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CONSTANCE KENT [*Frontispiece*

THE CASE OF CONSTANCE KENT

BY

JOHN RHODE

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FOREWORD

In dealing with the case of Constance Kent I have endeavoured to recapture the atmosphere of the period and place in which the Road Hill murder was committed. With that purpose in view, I have investigated the circumstances on the spot, and have discussed the case in all its bearings with as many of those who still remember it as I have been able to discover. I have also relied very largely for my descriptions of events, and for comment and criticism upon various features of the case, upon contemporary numbers of the *Somerset and Wilts Journal*, then published at Frome.

The *Journal*, so far as the Road Hill murder was concerned, was undoubtedly better informed than any of its contemporaries. It was owned, in the Liberal interest, by an influential group which possessed the confidence of nearly all the lawyers and magistrates engaged in the case. Convincing internal evidence exists that in many cases these men employed the columns of the *Journal* for the purpose of revealing facts and expressing views which they desired to make public, but were unable to do so under their own names. It is also a remarkable fact that the *Journal* never indulged in wild hypotheses, as did very nearly every other newspaper of the period. Even after the failure of Inspector Whicher to secure Constance Kent's conviction, when he was overwhelmed with a storm of recrimination and abuse, the *Journal* continued to uphold his theory, and throughout subsequent investigations never swerved from its belief in Constance Kent's guilt.

In dealing with the proceedings of the inquest, the various magisterial examinations, and the appearance of Constance Kent at the Wiltshire Assizes, I have

abridged the very full reports contained in the newspapers of the time, published both in London and locally. Such extracts as I have given *verbatim* are the result of comparison of these with other sources. In the case of the amazing inquiry entered upon on his own account by Mr. Saunders, I have quoted only sufficient to show the general nature of the proceedings, and those passages in which any fresh facts were brought to light.

The fullest account of the various examinations and inquiries that I have come across outside the files of the newspapers is contained in a book entitled *The Great Crime of* 1860 (London, E. Marlborough & Co., 1861), by J. W. Stapleton, who was concerned in the case and was a friend of the Kent family. These accounts are contained in the appendices of the book, which, for the rest, suffers from the disadvantage that it was published in 1861, four years before the confession of Constance Kent. I have also derived several useful hints from an article, "The Road Hill Murder," in the *Cornhill Magazine* of January 1897, and from a chapter dealing with the case and entitled "A Detective's Tragedy," in Mr. George Dilnot's *Scotland Yard* (London, Geoffrey Bles, 1926).

In expressing my indebtedness to all those who have so kindly devoted their time to answering my innumerable questions, I must include the Directors of the Frome Newspaper Company (the proprietors of the *Somerset Standard*, with which the *Somerset and Wilts Journal* is now incorporated), and especially their Managing Editor, Mr. Reginald Francis Dix. Mr. Dix has not only placed the files of the *Journal* unreservedly at my disposal, but he has allowed me to cross-examine him in the midst of his editorial duties, and has put me in touch with sources of information which I should never have discovered without his aid.

JOHN RHODE.

Frome,
May, 1928.

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THE CASE OF CONSTANCE KENT

CHAPTER I

Before entering upon an account of the Road Hill murder it will be necessary to describe the persons involved, and to comment upon certain circumstances surrounding the case, in order to avoid suspending the narrative for purposes of explanation.

Samuel Saville Kent was the son of a retired carpet manufacturer, who before his retirement had carried on his business in Carpenter's Hall, London Wall, and who had married a Miss Saville of a well-known Colchester family. Samuel Kent appears to have been born in 1801, and at the age of twenty-five to have entered business as a partner in the firm of North and Co., Drysalters, of Aldermanbury, in the City of London. Three years later he married Mary Ann Windus, the daughter of a Bishopgate Street coach-builder, who was then twenty-one.

Mr. and Mrs. Kent established their first home in Artillery Place, Finsbury Square—these were the days when City people lived in close proximity to their places of business—and here their three children were born. Of these, the eldest, Thomas, died of convulsions in infancy. The remaining two, Mary Ann and Elizabeth, were still alive and living with their father in 1860, the date of the murder, and are frequently referred to in contemporary accounts of that event as " the elder Misses Kent."

Four years after this marriage, Mr. Kent appears to have been compelled to give up active participation in the business of North and Co., owing to ill-health, and went to live at Sidmouth. Shortly after the arrival of the family there, Mrs. Kent also showed signs of ill-health. She seems to have developed consumptive symptoms, which, however, she threw off. In 1835 another boy, Edward Windus Kent, was born, who survived until 1858, when, as an officer in the merchant service, he died of yellow fever at Havana. About a year after Edward's birth, Mrs. Kent began to show symptoms of insanity. No particular steps seem to have been taken to cope with these symptoms. Although obviously irresponsible for her actions, she continued to live with her husband, and, unfortunately, as so often happens, she displayed remarkable fecundity.

In the five years between 1837 and 1842 Mrs. Kent became the mother of four children. Henry Saville Kent was born in February 1837, and died in May 1838 of inflammation of the lungs. Ellen Kent was born in September 1839, and died of consumption three months later. John Saville Kent was born in March 1841, and died four months later of atrophy. Julia Kent was born in April 1842, and died in September of that year, also of atrophy.

This appalling lesson seems to have been completely lost on Mr. Kent. So long as his wife remained in good bodily health, he seems to have considered it fitting that she should continue to become the mother of defective children, irrespective of her mental condition. There can be very little doubt that this attitude on his part was responsible for the tragedy which subsequently occurred. In 1844 Constance Emilie Kent was born, to be followed a year later by William Saville Kent.

After the birth of William, her tenth child, Mrs. Kent's health appears to have broken down completely.

In 1848 the Kent family left Sidmouth, and took a house at Walton, a small watering-place on the Somersetshire side of the Bristol Channel. They remained here for about four years, and at the end of that time moved to Baynton House, between Trowbridge and Calne, and about seven miles from the former. Six weeks after this move Mrs. Kent died.

Meanwhile, in 1843, seeing that his wife was wholly unable to supervise the household, Mr. Kent had found it necessary to engage a sort of governess-companion, to look after the children and the house. A doctor who had attended Mrs. Kent at Sidmouth recommended a Miss Pratt of Tiverton, who remained with the family until Mrs. Kent's death. In August 1853, fifteen months after the death of his first wife, Mr. Kent married this lady. It is interesting to learn that Constance Kent was one of the bridesmaids at the wedding.

In June 1854 the second Mrs. Kent met with a slight accident, which was followed by the birth of a still-born child. In the following year Mr. Kent determined to leave Baynton House, on account both of the expense of its upkeep and its relative inaccessibility, and went to live at Road Hill House, between Trowbridge and Frome. Here the following children were born: Mary Amelia Saville Kent, in June 1855; Francis Saville Kent, in August 1856, and two others, in 1858 and 1860 respectively.

About a year after Mr. Kent's removal from London to Sidmouth, he received an appointment as Assistant Inspector of Factories, a post which he held continuously until the murder. His district lay in the south-west of England, and his place of residence was determined by

the area covered by his duties. His official position had considerable influence upon subsequent events. The Factory Act of 1833 had placed extraordinary power in the hands of the inspectorate. The powers of the inspector were to a certain extent judicial, being assimilated to those possessed by justices of the peace; they could administer oaths and make such "rules, regulations and orders" as were necessary. They could also hear complaints and impose penalties under the Act. Further, the series of Acts of which this was the forerunner was extremely unpopular with the cloth trade of the west of England, of which Frome and Trowbridge were two of the principal centres. In the words of Mr. Stapleton: "To the employers of labour and to the parents of children employed in the woollen manufacture some of the provisions of this Act are particularly obnoxious, and have been from an early period complained of as oppressive and unjust. It is alleged that restrictions imposed upon the cotton trade of the north have been adopted, in their entirety and without any modifications, in the smaller factories and more healthy occupations of the southern woollen manufacturers, where the same sanitary necessities do not obtain."

It is easy to understand, therefore, that unless a member of the inspectorate exercised considerable tact in carrying out his duties he was apt to become exceedingly unpopular. Mr. Kent seems to have been singularly lacking in tact, and there is abundant evidence that he had contrived to get at loggerheads not only with the employers of the local cloth factories, but also with the villagers of Road. This fact would in normal circumstances have been a trifling matter, but the murder made it suddenly important. From the very morning of the discovery of the crime, a wave of ill-feeling arose against

Mr. Kent, and influenced the subsequent investigations to an extraordinary degree. In relating the story of the case, I have found it impossible even to mention the majority of the allegations made against Mr. Kent. It is sufficient to say that these ranged from the grossest immorality, through cruelty of every shade, to financial unreliability.

It is very difficult to estimate Mr. Kent's true character. There seems to be no recorded opinion between the ridiculous denunciations of his enemies and the exaggerated adulation of his friends. An impartial study of contemporary documents combined with a review of his own actions seems to reveal him as a not over-intelligent person with an overbearing manner, derived in all probability from an inflated idea of his own importance. In his family life he seems to have been the typical mid-Victorian father, ruling his family and household by the light of stern puritanical principles. He was never distinguished; he blundered with strange persistence when faced with emergency; yet somehow he managed to maintain a certain dignity, from which it is impossible to withhold a grudging admiration.

He is usually considered as a martyr. Certainly he was a much-wronged man, who lay for five long years under suspicion of having murdered his child. But while it is impossible to deny him every sympathy, it must be admitted that his own actions were primarily responsible for the suspicion which he drew upon his own head. On the morning of the crime his actions were inexplicable; later he was subjected to the most unfavourable comment for his attitude towards the investigation, which was purely passive. It may be that from the first he guessed the identity of the culprit, and that his actions were directed towards concealing the knowledge. But, even

if this was the case, his conduct was rather more than indiscreet.

Of his children, Constance is the one who naturally demands the fullest attention. Constance was born in February 1844, at the time when her mother's insanity had become chronic, and after four children had died in succession in infancy. Her mother being quite incapable of taking charge of her children, she was brought up almost from birth by Miss Pratt, who subsequently became the second Mrs. Kent. For an account of her childhood we may refer to Mr. Stapleton, a personal friend of the family, and for some time their medical attendant.

"Of Constance she (Miss Pratt) seems to have assumed from the earliest period the absolute control and care. For many months after her birth great apprehensions were entertained that this child would share the fate of the four previous children of Mrs. Kent. That she struggled through the feebleness of her early infancy is due chiefly to the devotion and personal attention of Miss Pratt, by whom she was fed, nursed and waited upon for months. By degrees her bodily constitution assumed that healthy development and growth which have bestowed upon her the contour and command of a powerful physique.

"As she grew up, Constance manifested a strong, obstinate and determined will, and her conduct, even as a little child, gave evidence of an irritable and impassioned nature. Whether the governess possessed that experience and tact and moral weight which fitted her for the responsible and arduous duties she had undertaken; whether, in the delicate and unusual position in which she consented to remain in Mr. Kent's family, she taught her heart to lavish on that child the undeviating and

considerate care, and motherly tenderness and patience, which its more than orphanage required—these are the questions to which her memory and conscience only can reply. It is not expressed or intimated by those who observed her conduct, and must have watched and criticised it too, that she was either unfaithful or unequal to this difficult and trying task. Her full vindication in this respect seems to have been attested by those ample and searching inquiries to which she has been subjected in the course of the painful events and revelations which have since so unexpectedly transpired."

It must be realised that Mr. Stapleton wrote in May 1861, when the various inquiries relating to the crime had ceased, without throwing any light upon the identity of the culprit. The confession was not to be made until four years later, and the whole family lay more or less under suspicion. Mr. Stapleton's object appears to have been to exonerate the Kents, but, with this reservation, his evidence may be taken as perfectly reliable.

Constance's mother died when she was eight. How far the child remembered her, or what impression she may have retained of an imbecile mother, who was scarcely aware of her own children, it is impossible to say. Miss Pratt was to her simply a governess, occupying a position in the family far more intimate than any ordinary governess or nurse, certainly, but still a dependent rather than a member of the family. In this position the child was probably prepared to accord her as much affection as her nature contained. But when, rather more than a year after the first Mrs. Kent's death, the dependent was suddenly elevated to the position of mistress of the household, a position which gave her the right to assume maternal authority, Constance's headstrong spirit reacted

to violent opposition. There is no evidence that the second Mrs. Kent abused her position in any way. At the time of Constance's confession there was a widespread tendency to account for her crime by representing her as the victim of her stepmother's neglect and even cruelty. There is no reason to suppose that she was influenced by anything of the kind. The second Mrs. Kent appears to have been a rather selfish woman, the scope of whose affections was strictly limited. While she may, as governess, have genuinely lavished these affections upon Mr. Kent's children, no sooner had she become a mother herself than her attention was wholly centred upon her own children.

That Constance should have resented this changed attitude was natural enough. To her this ex-governess was something of an upstart, and to resentment at her elevation to her mother's place must have been added jealousy of the attention paid by her father to his second wife and family. This relationship between stepchild and stepmother is a matter of common experience, and has frequently no connection with the conduct of the latter. Constance undoubtedly resented the new conditions which had been introduced into the family, and this resentment, acting upon a character resulting from the peculiar condition of her birth, produced a violently antagonistic and revengeful complex.

Regarding this, Mr. Stapleton says: "Constance's education seems to have been chiefly conducted by her stepmother, even after her marriage, and during their continued residence at Baynton House. The conduct and behaviour of the child is complained of as having been at this period occasionally very troublesome and bad, sometimes even insolent. Her ears are said to have been boxed; but her general punishment was simply

banishment from the parlour to the hall. That she was ever treated with cruelty by her stepmother is emphatically denied, even by her own sisters."

The family left Baynton House when Constance was eleven, and it was then decided that she should go to a boarding school. The suggestion seems to have come from Mrs. Kent, and there is very little doubt that Constance regarded it as a means of getting her out of the house. A year later she took the astounding step of running away from home during the holidays, taking her brother William with her. The adventures of the two children on this occasion will be related in a subsequent chapter. The incident throws an interesting light upon her character. It is difficult to imagine the resolution which, in the 'fifties of the last century, can have lain behind such an unheard-of escapade on the part of a girl.

It was perhaps natural that this adventure caused a lot of gossip, especially from its occurrence in the family of a man round whose head hostility was already gathering. Even Mr. Stapleton, in the midst of his endeavours to rehabilitate Mr. Kent and his family, is more than shocked by it: "It ought not to be difficult to account for such an extraordinary proceeding on the part of two young and tender children. One would naturally suppose that the servants in such a household must have been familiarly cognisant of the cause of their dissatisfaction, of the occasion of their fear, or of the object of their resentment. It was to be expected certainly by the neighbours and visiting and intimate acquaintances of the family, that something more than mere conjecture could be advanced to account for so unusual an occurrence; and that the parents would, in the course of the recent inquiries, have been found as able, as they should

have been desirous, to furnish some explanation more probable, more sufficient, more satisfactory than simple love of adventure on the part of those children, for conduct which must have filled them with pain and with dismay. Nor, while it remains unexplained, can any fair or reasonable complaint be made of that criticism which, on the part of the public and the authorities, has supposed some defect in their education, moral discipline and domestic treatment. No evidence has appeared to impugn either; but a painful doubt rests upon the public mind in reference to all. What motive of real or fancied wrong, of apprehended punishment, or suffering, or injustice, was operating upon their minds when they went forth as wanderers and in disguise from their father's house?"

The answer to this rhetorical question is probably a very simple one, that Constance—who was undoubtedly the instigator—was suffering from a fancied feeling of neglect. Her stepmother had already given birth to a still-born child; the advent of a second was eagerly expected, and it may be imagined that the whole attention of Mr. and Mrs. Kent was concentrated upon the coming event. Constance and William were probably left pretty much to themselves, or at the most to the casual supervision of their elder sisters. Under these circumstances the idea came to them, and its execution was not likely to be attended with much difficulty. By it, Constance and William acquired a local notoriety, the former especially, and later, when the crime was committed, and it appeared that the criminal must be some member of the family, it was natural that suspicion should fasten upon her, as being the one member who had already exhibited abnormal tendencies.

From what is known of Constance's school life, she

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would seem to have been a girl of unrestrained high spirits. Many stories, mostly false, were subsequently told of her escapades, which were more or less highly coloured according to the fancy of the teller. There being no smoke without fire, we may safely assume that she was something of a handful, as her flustered mistresses might have expressed it. Though she was discontented —though probably not definitely unhappy—at home, there is no doubt that to her schoolfellows she expressed this discontent in definite enough terms. The opinion of those old enough to remember her at this period is that she was an unusual child, of an impetuous and unaffectionate character, who would probably have been dissatisfied with any environment in which she might have happened to find herself. Such children are not rare, but in Constance's case her character had acquired an additional kink from her mother's ill-health, both physical and mental.

In August 1856, the child Francis Saville Kent was born. From the first he appears to have been a very promising boy, contrasting strongly with William, the only surviving son of the first marriage, who shared Constance's delicacy as a child and unpromising character in later years. Such affection as Constance allowed herself was expended upon her brother William, as is proved by her choice of him to accompany her in the adventure of 1856. She must have been jealous of Francis from the first, and have particularly resented the attention paid to him by her father. Francis undoubtedly became the focus upon which all Constance's vague and intangible discontent was centred, and although it appears that she never allowed her sentiments to be revealed in public, that, indeed, she appeared to share the affection of the rest of the family for her half-brother,

she felt in fact a violent, though at first probably impersonal, antagonism towards him.

Shortly after her running away from home, Constance was removed from the school which she had been attending near London, and was sent as a boarder to a school kept by two ladies at Beckington, not more than a mile and a half from Road Hill House. It may have been thought wise to keep her closer under her parents' observation, but it certainly caused some remark locally that she went to Beckington as a boarder rather than a day-pupil, which, from the short distance between her home and school, she might easily have been. William was also sent to school in Worcestershire, and nothing out of the ordinary appears to have happened to either of them until the tragedy. According to Mr. Stapleton, "During this period Mr. and Mrs. Kent and their family had accorded to them (Constance and William) that place and welcome in the society of their own rank to which the station of Mr. Kent so unquestionably entitled them. No aversion or mistrust seems to have been occasioned by his social conduct. It was known that from some cause or other, whether from their own misconduct or from domestic mismanagement, a constant and unvarying succession of female servants prevailed at Road Hill House; but no tongue of busy rumour, or of malice, had at any time substantiated the fact, or, as far as is known, even suggested the supposition, that this domestic inconvenience originated in any misbehaviour of Mr. Kent."

After this short survey of the Kent family, and of the relations existing within it, it will be as well to glance at the other personalities who appear in the case. Mr. Kent's solicitor at the time of the commission of the crime was a Mr. R. Rodway of Trowbridge. Mr.

Rodway was a man who enjoyed a considerable local reputation, but he appears to have been on bad terms with Superintendent Foley, who was in charge of the Trowbridge police. He appeared early upon the scene, but his advice was, as will be seen from his own letter quoted on p. 197, unacceptable to Mr. Kent, who called in Mr. Dunn, of Frome. Mr. Dunn was an exceedingly popular figure, and his memory is still green in the neighbourhood. He was a good-humoured, jovial person who enjoyed the confidence of everybody, particularly of the Somersetshire and Wiltshire magistrates. Although he undoubtedly found in Mr. Kent a remarkably difficult client, there is no doubt that he conducted that portion of the case entrusted to him with considerable adroitness and tact.

The two doctors concerned were Messrs. Stapleton and Parsons. Dr. Stapleton enjoyed an extensive practice at Trowbridge, and appears to have attended the family during their residence at Baynton House, but not at Road. Judging by the part he played in the events, he seems to have been more interested in the psychological side of the drama than the physical. He was something of a busybody, sincere enough, but rather too apt to be swayed by his personal predilections. His book, *The Great Crime of* 1860, though it purports to be " a summary of the facts relating to the murder at Road " and " A critical review of its social and scientific aspects," is in fact a rather muddled hotch-potch of his own views and theories, imbedded in a viscous mass of pseudo-scientific philosophy. His appendices, which contain the evidence given at the various inquiries, are not always reliable.

Mr. Parsons, of Beckington, seems to have been an ordinary country surgeon, possessing the average medical

knowledge of the times. His chief idea was not to offend the gentry, as opposed to the common folk, and his evidence of fact shows a deplorable tendency to vary according to the latest theory adduced. It is, indeed, one of the difficulties of the case that the medical evidence cannot be relied upon.

Owing to the situation of Road Hill House, upon the borders of Somersetshire and Wiltshire, two separate jurisdictions were involved. The Chief Constable of Wiltshire, in which county the crime was actually committed, was Captain Meredith, and the local Superintendent at Trowbridge, Mr. Foley. But the position of the police was further complicated by the fact that the County Constabularies were only recently established, and that the older parish constables still existed. The parish constables were usually men employed in some other avocation, who were nominated as constables and entrusted with the rather vague duty of keeping order in their respective parishes. They had no connection with the officers or men of the newly-constituted County Constabularies, and were in many cases exceedingly jealous of the latter.

Of Superintendent Foley, and his conduct of the first and vital investigations, it is difficult to speak without impatience. He is popularly supposed to be the original of Superintendent Seegrave in Wilkie Collins' *Moonstone*, Inspector Whicher being the model for Sergeant Cuff. But Foley was certainly honest according to his lights, though he was hardly of the stuff of which great detectives are made. He was a partially educated man who had risen to the rank of Superintendent through no particular merit of his own, and the occurrence of a crime in the house of a man whom he regarded as far above himself in station had entirely upset his faith in human nature and in the

essential fitness of things. A passage from the amazing proceedings of Mr. Saunders (see Chap. VII) may throw light upon the state of his mind at the time. In the course of this examination the following dialogue took place.

Mr. Foley: "Everything on that day was in such a confusion that one could not remember everything that occurred, and some excuse may be made for us all." Mr. Saunders: "Save and except Mr. Saunders, because I was not there. Did you leave every afternoon and go back to Trowbridge, or sleep in Road? What might you have done with yourself?" Mr. Foley: "I left about half-past ten on Saturday night, if I mistake not. Do you want to know what I had done that day, sir?" Mr. Saunders: "No, not now, we are come to the evening." Mr. Foley: "Everything was in such confusion that I think some excuse ought to be made—that is, in any discrepancy." Mr. Saunders: "I haven't said that there is any discrepancy." Mr. Foley: "I scarcely wetted my lips or ate anything all day. . . . I tell you plain, sir, I was obliged to sit down, I was so exhausted with the excitement, and I asked Mr. Kent to give me something." Mr. Saunders: "I can't for the life of me see why you couldn't eat a bit of bread and have a sup of water." Mr. Foley: "Because I make it a rule whenever I go anywhere on duty never to have anything, so that they shouldn't say what Foley ate or what Foley drank." Mr. Saunders: "Quite right; you know Mr. Kent had a larder there and a cook there?" Mr. Foley: "I had a glass of port wine and water."

This dialogue will serve to give us a glimpse of Superintendent Foley. He was utterly incapable of carrying out such an investigation as was required in the present case, and his superiors must have been the first to realise

it. Superintendent Wolfe of Devizes was called in to his assistance, but it does not appear that his abilities were on a much higher scale. How completely the investigation was bungled until the arrival of Inspector Whicher will become apparent in the course of the narrative.

Nevertheless, it was not until fifteen days after the murder that what may be termed professional advice was invoked by the police, although it had been available from the first. A detective force, the successors of the "Bow Street Runners," already existed at the headquarters of the Metropolitan Police, and although actually members of that body, the detectives were available for the investigation of crime outside the Metropolitan area on request of the local police. Mr. Stancombe, one of the Trowbridge magistrates, was deputed by his colleagues to interview the Home Secretary, and upon his representations—vigorously endorsed by the expression of public opinion in the Press—the latter instructed Sir Richard Mayne, then Commissioner of the Metropolitan Police, to detail one of his subordinates to the investigation.

The choice of Sir Richard Mayne fell upon Inspector Whicher, who had gained a brilliant reputation as a successful detective. Whicher proceeded to the neighbourhood of Road, where he immediately found himself an object of suspicion on the part of the local police. It was not only jealousy that inspired this attitude on their part. They were not anxious that their mistakes should be revealed to the eyes of an expert, and they consequently did their best to throw dust in his eyes. Inspector Whicher sent for his assistant, Williamson, who was afterwards to make a name for himself hardly inferior to that of Whicher himself, and the two set to work to fight what was virtually a battle of wits with

[*To face p.* 16.

ROAD HOUSE

Captain Meredith and his subordinates of the Wiltshire Constabulary.

It was undoubtedly the feeling that he was being thwarted in every direction by those whose duty it was to help him that induced Whicher to act as hastily as he did. Easy though it is to blame the local police for their attitude towards him, it is easy to understand their point of view. It seemed to them incredible that a girl of sixteen should have carried out unaided so dexterous and bloodthirsty a murder; local suspicion had already fallen upon Constance Kent, but had already passed on elsewhere owing to this very incredibility. If the murderer were to be found within the four walls of Road Hill House, the guilt must surely lie between Mr. Kent and the nursemaid, Elizabeth Gough. So the local police reasoned, and they were not alone in their opinion. The Press of the country, with *The Times* at its head, almost unanimously pointed to Mr. Kent as the culprit, and it must have seemed to Captain Meredith at least that it was only a matter of days before some clue should be discovered that would enable him to put Mr. Kent in the dock. Anything that would tend to delay the discovery of this clue was to be avoided, in the interests of justice.

But, from the very first, the suspicions of Inspector Whicher were centred upon Constance Kent. To the local police it must have seemed that he was only starting where they had left off. But actually he had approached the subject by an entirely different line of argument. There could, indeed, have been no real motive, in the commonly accepted sense of the word, for the murder of a child of four. But, if the wild theories then current of the secretion of some intruder in the house be put aside, there was only one person who could have even

a shadow of motive for such a deed. Neither Mr. Kent nor Elizabeth Gough could possibly derive any satisfaction from the death of Francis. Only to Constance Kent could the murder have satisfied some chaotic feeling of revenge.

Whicher was convinced that Constance Kent was the criminal, having fixed the guilt upon her by a process of elimination. Acting upon this conviction, he set to work to bring the crime home to her. He had first to prove the existence of motive, and then to collect sufficient circumstantial evidence to convince a jury that she had committed the crime. There were thus two difficulties to be surmounted. The grounds for her jealousy or vindictiveness were so utterly disproportionate to the enormity of the crime that few people would have regarded the motive as adequate. The means of commission of the crime were so obscure, and apparently so far beyond the dexterity and determination of a girl of sixteen to devise and to execute, that, even had he reconstructed them to their last detail, the revelation must infallibly have been rejected as incredible.

Whicher, however, made the attempt. He acted before his evidence was complete, as he himself admitted. But, having made his appearance on the scene long after the clue upon which he counted had been destroyed, he could have gained nothing by delay. He believed that the moral effect of arrest and confinement on Constance Kent would be so great as to induce her to confess. In this he was mistaken, and the singularly unimpressionable character of this strange girl set at nought the calculations of the most experienced detective of the day. The magistrates who ordered her release are not to be blamed. Inspector Whicher had failed to prove his case, and there is not the slightest doubt that had they committed

Constance Kent for trial she would have been triumphantly acquitted.

The result of Constance Kent's release was the ruin of Inspector Whicher. The case had aroused the widest possible attention throughout the country. Popular suspicion pointed to Mr. Kent, and Whicher's apprehension of his daughter had never been received with enthusiasm. The decision of the magistrates let loose a storm of invective upon his head. He was charged with inefficiency, with cruelty, with deliberately balking the investigations of the local police. The sequel is best expressed in the words of Mr. George Dilnot, the General Editor of this series, in his book *Scotland Yard* (Geoffrey Bles, London, 1926).

" This vicious attack (by Constance Kent's counsel) on Whicher at once set the key. The detective returned to London, doggedly certain that he was right, but in the eyes of the world a discredited and broken man. He was abused and ridiculed in the newspapers. Even in the House of Commons there were questions, and there seems to have been little disposition to defend him from the charge of having acted in the most objectionable manner. Sir Richard Mayne—and it is the worst thing we know about him—appears to have accepted the popular verdict, and Whicher lost favour at Scotland Yard. In a little while he retired, all his good service weighing as nothing against the popular clamour."

It is satisfactory to know that Whicher lived long enough to learn of Constance Kent's confession, and, indeed, to appear in Court during her examination before the magistrates at Trowbridge in 1865, although he died in the following year. In the last chapter of this book will be found a letter which he wrote to the Chief Constable of Bristol, long before the confession was made.

Some of the points which he mentions have never been cleared up, but for the rest the letter proves that he was entirely justified in his deductions.

Although, after the confession, Mr. Kent was the recipient of the greatest volume of popular sympathy, perhaps because the Press and the public had hitherto overwhelmed him with such an extraordinary variety of accusations, there can be no doubt that the greatest sufferer was undoubtedly the nursemaid, Elizabeth Gough. No one reading the evidence given at the inquest and at the various examinations can fail to be struck by the unfaltering way in which she stuck to every detail of her story. She told it in a manner which is in itself the most convincing suggestion of her innocence. Yet there is no doubt that more than one attempt was made by the Kent family and by her friends to find in her a scapegoat for the crime.

Two points were fixed upon for this purpose. The first is that, by her own showing, she woke up for the first time about five o'clock on the morning of the crime and missed the child Francis from his cot. Thinking that Mrs. Kent had come into the nursery while she was asleep and taken him to her own room, she took no notice of his absence and went to sleep again. Attempts were made to show that she could have had no possible reason for such a supposition, and that her indifference was a sign of guilt, if not of collusion. The obvious answer to this is that her statement as to her waking was entirely unconfirmed, and that it was volunteered without any pressure of any kind being applied. Had she had any guilty knowledge as to the happenings of that night she certainly would not have made it.

The second point which was seized upon depends upon an incident which has never been explained, and remains

one of the strangest of the minor features of the case. As soon as Mr. Kent learnt that the child was missing, he set off almost immediately to inform Mr. Foley of Trowbridge. During his absence, the child's body was found in a closet in the garden, wrapped in a blanket taken from his cot. Elizabeth Gough, long before the point became of importance, declared that she had not missed the blanket from the cot until she saw it round the child's body, and therefore until some time after Mr. Kent's departure. To this statement she subsequently adhered, and there can be very little doubt that it was true.

Mr. Kent was informed, somewhere between Road and Trowbridge, of the discovery of the body by a Mr. Peacock, who had ridden after him. But, before he had seen Mr. Peacock, he had had a conversation with a Mrs. Ann Hall, the keeper of the turnpike gate at Southwick, a village between Road and Trowbridge. Subsequently this woman gave the following evidence before Mr. Saunders. It will be observed that according to her own statement she had previously told the same story to Mr. Slack.

"I stated this to Mr. Slack. I opened the gate as usual to let a gentleman through, and he asked me where the police did live. I showed him as nearly as I could. It was not far. He said, 'I have had a child stolen and carried off in a blanket,' and I said, 'When did you lose it?' and he said, 'This morning, and if you see anyone coming you are to stop them.' That was all, sir, I said. He then went on towards Trowbridge. That was about eight o'clock in the morning. The Rev. Mr. Peacock was the next person that came by. . . . Mr. Peacock had not left any message for Mr. Kent with me, but went on towards Trowbridge."

Now, how in the world did Mr. Kent know that the child was "carried off in a blanket"? Not unnaturally, his detractors seized upon this remark to prove a guilty knowledge on his part. The point was first raised at Elizabeth Gough's examination on October 1st, 1860. Mrs. Kent, in her evidence on that occasion, said, "Before my husband had left, I was aware the blanket had been taken with the child; I knew it because the nurse had told me so." This testimony failed to impress anybody, for Superintendent Wolfe, at the same inquiry, said, "She (Elizabeth Gough) had frequently repeated that the first time she missed the blanket was when it was brought in around the child," and Mr. Ribton, Elizabeth Gough's counsel, remarked that he had been present at Mr. Slack's examination, when Mr. Kent denied having known the blanket was missing until his return from Trowbridge. Superintendent Foley had asked him the question twice.

There is here a direct conflict of evidence, and the friends of the Kent family did their best to turn it to the disadvantage of the nurse. They failed in their immediate object, but the incident helped to cast a stigma upon the unfortunate girl which was not removed until Constance Kent's confession. It says something for Mr. Stapleton's sense of justice that he opened a subscription for Elizabeth Gough after Constance Kent's conviction, and that this subscription reached a very respectable sum.

Among the names which appear for a moment in connection with the case is that of Mr. Pollacky, a famous "private investigator" of his day, whose memory is enshrined in *Patience* as Paddington Pollacky.

Having thus reviewed very briefly the characters of the principal actors in the drama, it will be as well to say a few words as to the scene of the crime. Road Hill

House is now so altered as to be almost unrecognisable, but it is necessary to reconstruct it as it was in 1860, in order to make certain details of the crime understandable. It will be noticed that, in spite of the fact that it was untenanted for some months prior to its occupation by Mr. Kent, there are several discrepancies in the descriptions of it published at the time of the murder. Even witnesses at the inquest, who lived in the house itself, differed upon such elementary points as where the occupants had slept on the fatal night. I am assured by those who remember the house as it was then, that the plan published opposite p. 32 is correct, but there are several other plans in existence, all claiming to have been drawn from actual inspection at the time. Since this plan seems to fit in with the evidence of those best qualified to speak, I have adopted it. It may be supplemented by Mr. Stapleton's description.

"The village of Road is situated on the north-eastern border of the county of Somerset. Close to the village, but in the adjoining county of Wilts, stands Road Hill House, which was till recently occupied, and has been much enlarged, by a wealthy clothier. Its front aspect looks down upon the village." It may be added that the village is some little distance away, and lies at a slightly lower level than the house. "It is a little retired from the road, within its own grounds. It consists, on the ground floor, of a large central hall, from which, as you enter it, there opens, on one side, a library, with a drawing-room behind it; on the other side, a spacious dining-room which has been carried out beyond the general area of the house, and is flat-roofed, having no bedrooms over it. At the back of the hall is the staircase and a door, leading to the kitchen and offices, which shuts off the servants from the rooms occupied by

the family. Upon the first floor a central vestibule leads into the bedrooms, and on the second floor the same arrangement prevails. Again descending to the ground floor, we pass through the door at the back of the hall, whence a long passage passes down behind and parallel to the dining-room, leads to the kitchen and servants' offices, and terminates in a back door which opens into a court occupied by the stables and outbuildings. Outside, the whole front of the house looks upon a lawn, at one extremity—or rather in one corner—of which a yew shrubbery conceals the closet in which the child was found, and in which he was in all probability murdered. The closet can be reached either from the front or back door."

The fact that Mr. Kent took so large a house, although he had apparently very little means beyond the salary attached to his office, occasioned a certain amount of remark. Local gossip insisted that he was living beyond his means, and asserted that his position afforded him opportunities for receiving bribes which helped to fill the gulf between his expenditure and his income. This no doubt gave rise to a theory, widely held at one time, that he had murdered his child in order to realise an insurance policy upon his life, or to secure a sum of money which had recently been left to Francis. Even Mr. Stapleton evidently feels it incumbent upon him to touch upon this subject. "Whether at this time Mr. Kent was living at Road Hill House in a style and at an expense unwarranted by his income, and unsuitable to his large and increasing family, is a matter which it is quite irrelevant and impertinent to discuss," he says. My only excuse for mentioning the subject is that the supposition that such was the case was one of the contributory reasons for the suspicion of which he so rapidly became the centre,

There was another, utterly trivial and ridiculous, cause of Mr. Kent's unpopularity with his neighbours. The circumstances would be too trifling to relate if it were not for the fact that the jurymen at the inquest were drawn from among these very neighbours, and that subsequent events make it important for us to understand their sentiments. The story of this feud is best told in the words of Mr. Stapleton.

Upon Mr. Kent's first arrival at Road Hill House " he found that his front terrace was bounded on one side by a lane in which there were some cottages; between his premises and this lane there was either none or a very insufficient fence, offering no protection against the oversight and intrusion of the inmates of those cottages. His first act was to secure his own privacy and that of his servants by placing at this angle of the grounds an impervious fence.

" The cottagers took umbrage at this act, and his servants and children were in consequence frequently molested by them. His children were called after, in their walks and on their way to Church, by the cottagers' children; and considerable inconvenience on his part, and ill-will on the part of the cottagers, was the result. Soon after this, and before the feeling had subsided, Mr. Kent prosecuted to conviction one of the residents in that lane for some offence. A new element and cause of irritation was thus introduced, and was soon followed by another occurrence, which, as he believed, and as it seems probable, created not only an ill-feeling, but a combination against him. Beyond the enclosed grounds of Road Hill House the land slopes on one side gradually down into a beautiful and watered valley. In the river which intersects this valley Mr. Kent secured the right of fishing over a certain extent of its course. He culti-

vated and protected the fish, put up warnings against trespassers, and reserved the right of fishing exclusively to himself and his friends. In this same river the inmates of the cottages also had been accustomed to find their amusement; and they at once resented a monopoly which deprived them of their dish of trout. Poaching commenced, and, on the other side, watching and threats of punishment.

"The cottage corner became a thorn in the side of Mr. Kent; and, upon the occurrence of the murder, he not only desired that these cottages might be searched and their inmates examined, but expressed the conviction that the murderer would be found there. It was incidentally mentioned that the washerwoman of the family was nearly related to some of the inmates of the houses, and that, through her means, some assistance might have been rendered to the design, and some clue perhaps be discovered that would lead to detection."

It is thus clear that Mr. Kent, and with him his family, was thoroughly unpopular in the village. That this unpopularity was notorious, and that the first thought of the household when the child was found to be missing was that it had been stolen out of spite, is proved by the remark of Elizabeth Gough to her mistress immediately after the event: "Oh, ma'am, it's revenge!" The hostility with which the Kents were regarded locally accounts in some measure for the extraordinary scenes which took place at the inquest. The coroner stated subsequently that he dare not risk the appearance of any member of the family in open court, and he may well have been justified in his refusal to examine Mr. Kent in the prevailing state of excitement. But this only renders his failure to adjourn the inquest even more extraordinary.

We have now formed some idea of the state of affairs immediately before the crime was committed. Internally, the household was divided by a feeling of unpleasantness between the first and second family. We may accept the evidence that there was no definite ill-treatment by either Mr. or Mrs. Kent of the children of the first wife; we may even give Mrs. Kent the credit for having done her best by those children. But it is only in conformity with human nature that she should bestow more attention upon her own children, and that this very natural fact should be interpreted by a child of Constance's abnormal nature as a series of slights. Externally, the household was engaged in a bitter and complicated feud with its neighbours, trifling no doubt in its origin, but how capable of arousing deep passions those who know anything of life in a small village will readily understand. It was natural that when the blow fell, the feud should flare up into accusations and counter-accusations which had, in fact, no basis of real probability.

One very curious incident, which was mentioned at the time, but which does not seem to have been commented upon during any of the inquiries which were held subsequent to the murder, must be described here. About two years before the event, some time before Elizabeth Gough had entered Mr. Kent's service, and in the time of her predecessor, Emma Sparks, the boy Francis became the subject of what seemed at the time a wholly insignificant adventure. Mr. Kent was away from home, being engaged, as he frequently was, with the duties of his inspectorate in some other part of his district. The two elder Misses Kent were also away from home, and William was at school, there being thus only Mrs. Kent, Constance and the two children of the second marriage in the house besides the servants. Constance had returned

home for the holidays only a day or so previously. One night when the household was thus constituted, Emma Sparks put Francis, who was then rather more than two years old, into his cot as usual. Mrs. Kent had given instructions that he was to wear a pair of bed-socks, and before she went to bed she went into the nursery to satisfy herself that these instructions had been carried out. Both she and the nurse saw that the socks were actually on the child's feet before she left.

In the morning the nurse, when she woke up, discovered that the child was lying with the bedclothes stripped off it, and with the socks missing. One of the latter was found on the nursery table, the other during the course of the day hidden in Mrs. Kent's room. Neither Mrs. Kent nor the nurse could throw any light upon this domestic mystery, and no further notice was taken of it. But, in the light of subsequent events, this curious affair assumes a deep interest. Did Constance enter the nursery that night, strip the clothes off the child's cot, and remove its socks, placing one on the table and secreting the other until she had an opportunity of hiding it in Mrs. Kent's room? If so, what was her object? There are two answers to this latter question. Her exploit may have been in the nature of a rehearsal, undertaken to discover the difficulties in the way of the commission of a crime she had long meditated, or it may have been an attempt in itself to commit the crime. A favourite terror of the mid-Victorian days was that of "catching one's death of cold," and the best way of avoiding that distressing end was believed to consist in the use of flannel and of tightly closed windows. It is more than possible that Constance imagined that her action would cause the child's death, and that her second attempt, two years later, was only undertaken as a result

of the failure of the first. On the other hand, it may be that this first escapade was inspired by nothing worse than a spirit of mischief, but that her recollection of it showed her how easy it was to enter the nursery unobserved.

With these preliminary remarks we may proceed to an account of the murder itself, and of the events which followed it.

CHAPTER II

The village of Road, sometimes spelt Roade or Rode, lies on the borders of Somersetshire and Wiltshire, the boundary between the two counties actually passing through the village. It lies just to the west of the main road between Frome and Bradford-on-Avon, that part of the parish through which the road actually passes being known as Road Hill. It lies four miles from Frome, five from Trowbridge, and about nine and a half by the direct road from Bath.

Road Hill House is situated less than a hundred yards within the Wiltshire border, and is in the parish of North Bradley. It is a substantial stone building, of a type very common in this part of the country, and was built during the first half of the nineteenth century. It stands in the centre of an agricultural district lying between a cluster of small manufacturing towns, engaged mainly in the cloth trade, which, seventy years ago, was still a prosperous industry in this part of England. On the morning of June 30th, 1860, the news of one of the most curious murders of modern times burst upon this quiet and secluded spot.

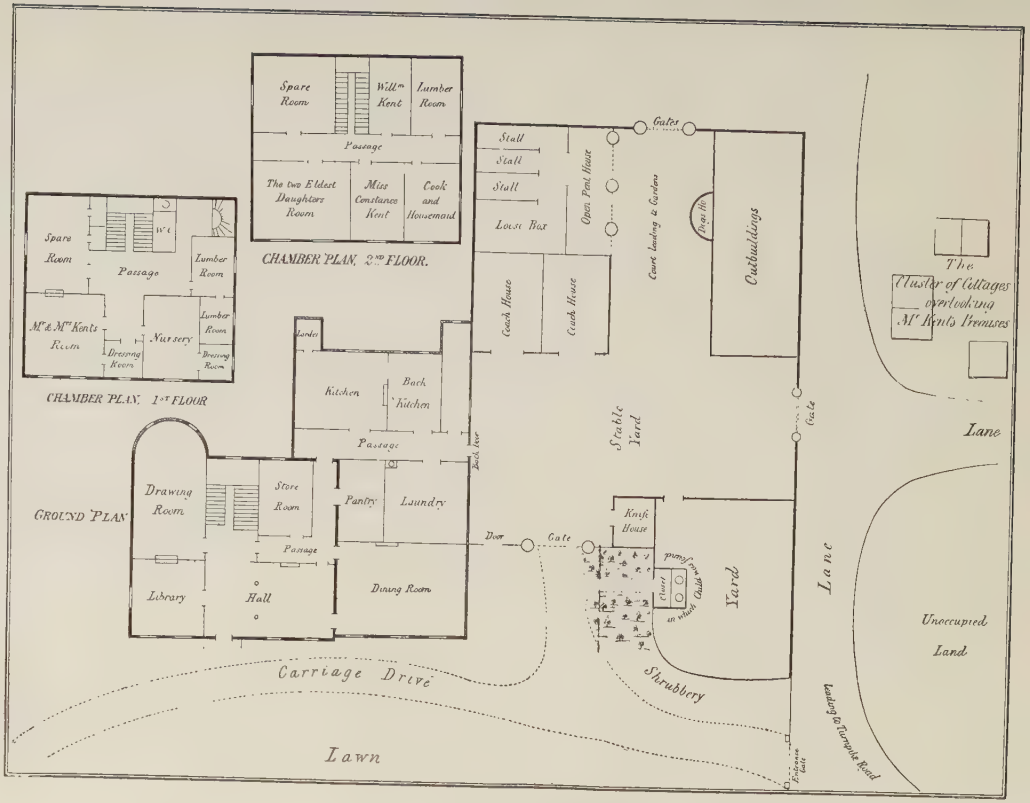
In order to achieve the local atmosphere, the discovery of the crime is best described in the words of the *Somerset and Wilts Journal*, a local paper published at Frome, whose reporter, the late Mr. Harvey, displayed throughout the case a vision and acumen far beyond the ordinary standard of provincial journalists of that day. The extract is quoted from the issue of the journal dated July 7th, 1860.

"It falls to our painful lot to-day to place upon record one of the most atrocious and inexplicable outrages which has ever disgraced our country. A murder, the motive for which it is at present as impossible to divine as it is to detect the miscreant, has been committed in our immediate vicinity, on the person of a young and innocent child, belonging to parents in the upper ranks of society, under circumstances of such peculiar brutality and clever cunning, as to excite unmitigated horror, astonishment and alarm in every inhabitant of the neighbourhood. That the perpetrator of so ferocious and wanton a crime will eventually be brought to light is a consummation most devoutly to be desired, and is by many eagerly expected. Within a period of less than twenty years, four, if not five, murders have been committed in this locality by throat-cutting, and the crimes have in neither instance been proved home to the villains. It is of the utmost importance, therefore, that the guilt of the act we are about to record should be clearly traced to the unhappy criminal, that, as a warning as well as a punishment, he may suffer that condign punishment the laws of our country award, and which assuredly was never more fully and richly deserved."

When allowance has been made for the somewhat flamboyant style of journalism popular in the middle of the last century, this passage may be taken as expressive of local opinion when the news of the murder was first circulated. The most significant reference is to the fact that four or five undetected murders by throat-cutting had taken place "in this locality," which must be interpreted as within a short radius of Frome rather than in the locality of Road. A series of undetected murders, especially if committed by similar means, invariably produces a popular impression that they are

the work of the same person. That this impression existed in the present case will be seen by the many theories put forward later, which pointed to the crime having been committed by some homicidal maniac of the Jack the Ripper type. The "complex" of these previous undetected murders is clearly traceable in the various individuals connected with the case, from the coroner's jurymen onwards. But to return once more to the *Journal*.

"Mr. Samuel Saville Kent, a gentleman of some fifty years of age, who holds the very desirable appointment of sub-inspector of factories for this district, the salary of which is £800 per annum, resides in the village of Road, which, as many of our readers are aware, is four miles from Frome and five from Trowbridge. The house is not quite 100 yards within the parish of North Bradley and the county of Wilts; it stands back from the road some 150 feet, and is an elegant, modern, commodious, detached building of stone, standing in something less than half an acre of ground, neatly laid out as lawn, shrubbery, flower and kitchen garden. On one side of the house is a spacious paved court-yard, communicating with the kitchen and domestic offices on the one side, and on the other with the kitchen garden. The stables and carriage house stand in this yard. Two pairs of large and high gates open out of the yard, one pair towards a lane in the neighbourhood, and the other towards the front of the house and main carriage drive. In this yard a large black Newfoundland dog is usually chained, and at night, at eleven o'clock, it was Mr. Kent's usual practice to give the dog his supper and let him run loose in the yard. Outside the gates leading to the house, and accessible to the front of the house, is a common privy, rarely frequented, concealed up an open-



PLAN OF ROAD HOUSE

[To face p. 23.

ing in the shrubbery: of this we shall have hereafter to speak.

"The family consisted of Mr. and Mrs. Kent and seven children; three daughters and a son—Mary Ann, Elizabeth, Constance, and William—being the offspring by Mr. Kent's first marriage, and two daughters and a son (the latter, Francis Saville Kent, being the victim), being children of the second wife. A cook, nursemaid and housemaid are the female servants kept in the house; a coachman and gardening boy are outdoor servants. Of the family we are only justified in saying that it is alleged that some time since there was, as so often happens with a stepmother, some uncomfortable feeling generated, and that three years ago, conceiving themselves to be unkindly treated, the two children, Constance and William, then eleven and ten years of age respectively, started off, both attired in boy's clothes and with the girl's hair cut short, intending, as they afterwards said, to go to sea. They were recognised, however, at an hotel in Bath, and after two days' absence were returned to their parents. A somewhat unusual number of servants have been discharged from this establishment, a fact which some have thought affords a probable clue to the murder."

It must be remembered that this was written a week after the discovery of the murder, and that consequently the *Journal's* reporter had had plenty of opportunity of hearing local gossip. There are two points which he has not mentioned, which nevertheless had their influence upon the tendencies of this gossip. The first is that the Kent family were not residents of very long standing in the neighbourhood. Mr. Kent owned a house at Baynton in Wiltshire, and had taken a lease of Road Hill House for a term of years, while his own house was let. The second point is that the second Mrs. Kent had been

the governess of the children of the first marriage. This change in her status, and the consequences resulting from it, could not have been without its effects upon the children, and would increase the mistrust with which children are apt to regard their stepmothers. But it seems that by 1860 this mistrust had largely disappeared, and that the family lived happily enough together. Mr. Kent was a stern and somewhat uncompromising person, and his wife may have been of rather a self-centred disposition. But no evidence exists that the atmosphere of the house was anything but kindly.

It was natural that the three-year-old escapade of Constance and William should be recalled. In Victorian days such an adventure must have made a profound impression upon all who knew of it. One cannot help feeling that Constance, in spite of her being but a year senior to her brother, was the instigator of it. Children of large families are apt to "pair off," and Constance and William, with only a year between their ages, were the natural chums in the first family. Their two older sisters were, to them, upon a higher plane.

Before proceeding to the account of the discovery of the crime, it will be necessary to explain how the bedrooms in the house were allotted. Mr. and Mrs. Kent slept on the first floor, where was also the nursery. The children of the second family slept in these two rooms; the middle one in Mrs. Kent's room; the boy, Francis, and the baby, aged two, in the nursery with the nurse. Of the children of the first family, the two eldest daughters, Mary Ann and Elizabeth, shared a bedroom on the second floor, while Constance and William each had a room to themselves on this floor. The cook and housemaid shared a room on the same floor.

"On Friday evening last (June 29th, 1860), at the

usual hour, half-past seven, the nurse, Elizabeth Gough, put to bed in a cot in her bedroom—the nursery—the youngest child, aged two years, and half an hour afterwards put to bed the deceased, Francis Saville Kent, who would have been four years of age had he lived till August. The remainder of the family retired during the evening; the two eldest Miss Kents to their chamber on the third floor, Constance and William to their respective chambers on the second floor, the cook and housemaid to their room on the third floor,[1] they having previously thoroughly fastened and secured, one the domestic offices, the other the remainder of the lower part of the house. The nurse went to bed a little before eleven o'clock, leaving Mr. and Mrs. Kent in the dining-room; when she got to her bedroom, she remained some time putting away various things, for the chimney had been swept and the room cleaned that day. She put a stool under the bed and some things in the dressing-room; she also there ate her supper, bread-and-butter and water, and lit the night-light. Meanwhile Mrs. Kent came up and looked at the children in her room (the nursery), again went down, came up again to bed, and as she passed the door shut it, it having been previously left open in order that the nurse might hear if the child who was sleeping in Mrs. Kent's room cried. Then, a little before twelve o'clock, Mr. Kent, according to his own statement, examined all the fastenings of the house and went to bed.

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"In the night a dire calamity swept that household. The youngest boy, the pet of all the family, was removed from his bed, and, with a single gash from some sharp, strong weapon, his head was all but severed from his body,

[1] This is incorrect. There was no third floor, and the distribution of the inmates of the house was as stated in the previous paragraph.

his corpse being horribly mangled. At five o'clock the nurse awoke, and, glancing her eye to the cot where the child had lain, saw the clothes smoothly laid back, the impression of the child on the bed, but no child. Remembering that Mrs. Kent had always forbidden her to fasten the door lest the child should cry and she not hear; recollecting also that she, having had an extra hard day's work the day before, had slept particularly sound, and conjecturing that Mrs. Kent had been in and removed the child, she went to sleep again for a little while, and then having dressed, went to Mrs. Kent's room to ask for one of the children to dress it. Two gentle knocks having elicited no reply, she, out of consideration for her mistress's very delicate condition just now—being on the eve of her confinement—went away, and, returning in half an hour, renewed her inquiry. To her astonishment she found that neither Mrs. nor the Miss Kents had seen either of the children, and on her way downstairs was met by the housemaid, who told her that she had found the drawing-room door unlocked and unbolted, the shutters of one window ajar, and the window partially open."

(This last sentence conveys, as it stands, no meaning. What is meant is that Mrs. Kent had not seen Francis, and that the two elder girls had not seen either Francis or the child who was sleeping in Mrs. Kent's room.)

" Alarm was instantly given of the loss of the child, consternation reigned supreme, the premises were searched by servants and volunteer assistants, a policeman was despatched into Frome, while Mr. Kent himself took horse and rode into Trowbridge to inform Mr. Foley, the Superintendent of Police. When nearing Trowbridge, however, he was overtaken by the Rev. Peacock, the rector of Road, who bore melancholy tidings.

"The child had been found by two of the searchers, in the privy to which we have referred previously; attracted by seeing some blood on the floor, they looked down the seat, and saw, resting on a splash-board which prevented its more perfect concealment by a descent into the pit, and covered by the bloody blanket off its bed, the mangled, mutilated body of the child. Mr. Kent instantly returned. Mr. Peacock went on and fetched Mr. Foley and some of his men. Master William had meanwhile been sent to Beckington for Mr. Parsons, Surgeon, who, on his arrival, saw that the child had been dead at least five hours.

"The house and premises were then minutely searched, male and female searchers in the course of the day examined every individual and every room, box and water-closet about the place, emptied the privy and scoured the vicinity, but without finding any knife or garment stained with blood, or any article to afford the least clue, except a piece of flannel, apparently worn as a chest protector, which was underneath the child's body, stained with blood. This was not owned by anyone in the house, or known by any other person inquired of; it was not worn by the child on the previous night. This affords a tangible clue which should be most diligently inquired into. A piece of the *Morning Star*, apparently, was found, on which a bloody knife had evidently been wiped; no knife was found, although the search was well gone into, the carving-knives of Mr. Kent's set serving as a model of the character of knife used; all the house knives were, however, cleaned by a boy early in the morning.

"Superintendent Summers of Frome, on arriving home on Saturday night, heard of the murder and posted off to the spot; Mr. Gould, Chief Constable of Somerset,

and his deputy were added to the number of the investigators on Sunday, and on Monday, Captain Meredith, the Chief Constable of Wilts, and the Superintendent of Police from Devizes were added to the number. Still no satisfactory evidence has been obtained as to this most mysterious and apparently inexplicable tragedy. Rumours affecting most injuriously the characters of various persons have been very generally prevalent, but to those we dare not give currency, as they are based on such slight foundations, and are themselves so changeable, that to publish them would be most unjust to those who are, very probably, entirely innocent."

To say nothing, of course, of the law of libel. The rumours mentioned by the reporter of the *Journal* were indeed of the wildest character. From the very moment that the news became known, two schools of opinion arose —those who believed that the crime had been committed by one of the inmates of the house, and those who, influenced by previous undetected crimes, favoured the theory of some extraneous criminal. The object upon which the attentions of the first school were focussed was Mr. Kent, though what his motive for murdering his infant son could be no one was prepared to say. His actions after the discovery of the crime came in, as will be seen, for a good deal of criticism, and the ugliest insinuations were made against him.

But perhaps the most significant phrase in the above account is the expression "consternation reigned supreme." It did indeed. Here was a problem of which the solution depended upon a minute and scientific examination of the house and its immediate surroundings, the drawing-room door, shutter and window, the space between this window and the closet in the garden. Yet, long before Superintendent Foley of Trowbridge reached

the spot, the whole place had been overrun by " servants and volunteer assistants," while the only available policeman, presumably the local constable at Road, had apparently been " despatched into Frome." By Sunday evening, when the small army of local investigators was complete, the whole countryside had poured through the premises in an overwhelming flood. It is hardly a matter for astonishment that " no satisfactory evidence was obtained as to this most mysterious and apparently inexplicable tragedy."

The effect of this consternation upon the inhabitants of Road may well be imagined. By Monday morning most of them had probably played the part of amateur detectives, and certainly all had been busily engaged in propagating the rumours to which the reporter of the *Journal* refers. Yet it was from these men that the coroner's jury was empanelled, with the result that the inquest presented scenes as remarkable as those which had followed the discovery of the crime.

The inquest was opened at ten o'clock on Monday, July 2nd, at the Red Lion Inn at Road, " before George Sylvester, Esq., whose engagements precluded an earlier date." The jury was duly sworn in, and the rector, Mr. Peacock, who had informed Mr. Kent of the discovery of his son's body, was appointed foreman. They spent an hour and a half viewing the body, which had remained since the discovery in the laundry attached to the house, and in examining most minutely the house and the closet. They then returned to the Red Lion, but at the suggestion of the Chief Constable and the coroner, the inquest was adjourned to the Temperance Hall. This removal to premises connected with abstinence from alcoholic liquor seems to have been inspired by no aversion to the Red Lion. But the Temperance Hall

could accommodate a far larger audience, and the people of Road had no intention of being deprived of any part of the local sensation. The scene in the Hall is well described in the *Journal*. "The coroner took his seat on the platform, surrounded by various gentlemen interested in the case. The body of the Hall was crowded with the villagers, in front of whom the jury took their seats. Mr. Rodway, solicitor of Trowbridge, attended to watch the case on behalf of Mr. Kent, and sat next the coroner." Captain Meredith and the Superintendents from Trowbridge and Frome and Devizes were also present.

The first witness was Sarah Cox, the housemaid, who deposed as follows:

"I am a housemaid living at Mr. Kent's house, and have been so for ten weeks. It is part of my occupation to fasten the front part of the house at night. In the front part I include the drawing-room; the kitchen, etc., the cook fastens. On Friday evening I fastened the door and shutters in the drawing-room as usual; I am positive that I did so; I have no doubt in the matter whatever. The shutters fasten with iron bars, and each has two brass bolts besides; that was all made secure on Friday evening, the 29th instant." (This again is a mistake, as it was now July.)

"The door has a bolt and a lock, and I bolted it and turned the key of the lock, so that anyone coming from the house would have the power of unfastening the door and windows, and anyone coming in from the outside must smash the windows and then would not be able to open the shutters without using a centre-bit, or making a hole in the shutters. Nothing occurred on the Friday which I think it necessary to state: no disagreement has occurred with the family or with the servants. The

outdoor boy was discharged on Saturday (the 30th); he gave warning on the Monday before, because he wanted his wages rose. On Friday evening I retired to bed about a quarter to eleven, and rose above five minutes past six on Saturday morning. Mr. Kent was the last person who went to bed that evening; he is in the habit of staying till the last. When I came down in the morning I saw that the drawing-room door was a little open; the bolt was back and the lock turned; there was no displacement of the furniture in the room. Of one of the windows the lower shutters were opened, the bolt being back, and the window was slightly opened. There was no blood, footmarks, or displacements in the room."

In reply to various questions, by the coroner and the jurymen, the witness stated that when she went to bed, Mr. and Mrs. Kent were both in the dining-room, and that no one else was there. This was not unusual. She was unable to say whether or not the cellar door was locked. There had been no disagreement among the servants, nor had any of them been lectured by either master or mistress.

The next witness was the nurse, Elizabeth Gough, who is described as being "about twenty-one, and of a prepossessing appearance." Her evidence was as follows:

"I am a nursemaid at Mr. Kent's house; I have been there rather more than eight months. The deceased is the eldest child that the present Mrs. Kent has borne at Road. Deceased was a very good-tempered child; it was no trouble to take care of him. He was in the habit of sleeping in a cot by himself, in the corner of my bedroom; the bed and bedstead in that room are for me. Another child, a girl, two years of age, sleeps in a cot in the same room. I usually put the younger child to bed

about half-past seven, the deceased about eight o'clock. At that time on Friday evening I put him to bed; he was in excellent health and good spirits. Mrs. Kent always comes into the room after prayers to see the children; she did so that night at a quarter to eleven. I went to bed at five minutes past eleven; the child was then lying as he usually did with his face to the wall, with his arm under his head. After I had been in my room a little while Mrs. Kent came up to bed, and shut my door as she passed. I usually left my door open for Mrs. Kent to shut when she came up, lest the little girl who was sleeping in her room should cry, and then I might hear her. I did not go to sleep till about twelve, and heard nothing of anything during the night. I woke about five o'clock; the nursery door was a little open, and I missed the deceased from his bed. The impression of the child was there as if he had been softly taken out; the clothes were smoothly put back as if his mother or myself had taken him out. He wore at night his night-dress and a little flannel shirt, but no piece of flannel. When I saw the deceased was gone, I thought his mother had heard him crying and had come in and taken him out. The piece of flannel produced does not belong to the house, it was not worn by anyone in the house.

"I went to Mrs. Kent's room about a quarter or twenty minutes to seven o'clock to ask for one of the children, supposing that she had both. I knocked twice at the door, but obtained no answer, and as Mrs. Kent was unwell, I went away, and came again at quarter past seven, when Mrs. Kent was dressed in her dressing-gown, and said that she had not seen the child. I then went to the Miss Kents' bedroom upstairs, but they had not got him either. I then went downstairs and searched all over the house, and looked in the garden and kitchen garden, and

all round the shrubbery. The housemaid had told me she had found the drawing-room door and window open. I looked for footmarks, but did not see any except on the drawing-room carpet covering; where there were impressions of two hobnail boots; one was distinct, the other very faint; they were of a large foot."

At this point Superintendent Foley interposed with the remark that he also had seen these impressions on the carpet. Elizabeth Gough then continued:

"The housemaid had been in the room before I saw them, but she does not wear hobnail boots; there were three or four rows of hobnails. I went out to see if there were any footmarks, but saw none. There is a little piece of gravel walk the person would have to cross in going where the child was found. I did not find him. I did not go there to look."

Upon being cross-examined Elizabeth Gough made one or two additional statements.

"There has been no disturbance or unfriendliness in the house. I know the boy who worked in the garden, but I do not know why he was discharged. He is seventeen or eighteen years of age. I can state positively that no one was in my bedroom or the dressing-room which opens out of it, as we had had the sweep that morning (Friday), and in the evening everything was put away; I pushed a stool and a box under my bed and went into the dressing-room. I put the things in order in my bedroom and lit the night-light. There were three small knives in my room that night, but neither of them were touched. I know of no one who could have had any dislike to the child. My room door has a latch on it and a bolt, but I was never allowed to bolt it, in order that Mrs. Kent might come in if the children cried. The door opens very noiselessly; it is bound round with lint

to make it do so, that I might not wake the children. I found the footmarks I spoke of when I went to the window, after I had been round the grounds. I don't know that I called the attention of any one to them particularly, but I told those in the house. When I saw the footmarks, Mr. Parsons and others, I don't know who, had been through. I noticed no footmarks in my nursery; the room is carpeted all over."

The housemaid was then recalled, and stated that she did not know of anyone calling her attention to those footmarks, but that several people had been in the room before the nurse had seen them. Elizabeth Gough was then asked further questions, to which she replied as follows:

"I often wake in the night if it rains or blows. I heard nothing whatever that night. I was asleep the whole time. The deceased was a very heavy sleeper, and would sleep especially sound that night, as he had no sleep in the day as usual because the sweeps were there. I saw no strangers about the house during the day."

The housemaid observed that she saw a grinder at the door in the morning, and answered the door to him. She had seen no other strangers.

In reply to further questions the nurse said: "I do not know if any part of the family absented themselves from home for some days. I believe two of them did some time ago, but it was not in my time. I don't know the cause. Anyone concealed in the cellar could not come out without bursting open the door. The cellar is always kept locked. One of the Miss Kents has the key."

Thomas Benger, having taken the oath, said: "I am a small farmer living at Road. On Saturday morning some time between seven and eight I heard from Mr.

Morgan and the policeman that the child was lost or stolen, and William Nutt and I went and searched all round the shrubs and bushes for some time. When we got to the door of the privy we found a pool of clotted blood; it was in a pool on the floor, there was no blood on the walls or the seat. I moved the lid off. I sent Nutt for a light, and while he was gone I could see, by steadily looking down I could see better, and saw something like clothing below. I put my hand down and raised the blanket produced, covered with blood. Nutt then came back, and a woman who works at the house, and we saw the child and took it out and gave it to the woman.

"The blanket was on the top, not wrapped round the child, and the deceased was lying on the splash-board inside the seat, which prevented the child descending into the vault. One hand and one leg were slightly thrown up. He seemed to have on a night-dress and a little flannel shirt. I saw his throat was cut, and blood was splashed all over his face. The child looked quite pleasant, and his little eyes were shut. I saw no piece of flannel then. The deceased was taken into the house. I saw the three Miss Kents come to look at it, but I did not see Mr. Kent's son. I should think it must have been put in feet foremost, but it lay horizontally. I emptied the vault with assistance, there were five feet of water, but nothing of importance was discovered in it."

Superintendent Foley, who was not sworn, said: "I produce a piece of flannel which has apparently been worn on the breast; at the corners are marks of where strings have been broken off. I pulled it out of the privy with a crook; it was under the child. I observed no blood on the soil or in the fields near. The policeman had been in and out of the window before the footmarks were observed, and he wears hobnails in his boots."

Stephen Millett, butcher, of Road, said: "I produce two pieces of paper which I picked up in the closet, on which it appears as if something bloody has been wiped. They were folded as they are now. The blood on them was moist, and the larger piece was stuck together. I don't know to what they belong. I could not match them with any other pieces round there."

The pieces of paper produced by this witness were stained with blood. They were handed to the reporters present for identification. One of these gave it as his opinion, from an examination of the paper, type and contents, that they were part of a copy of the *Morning Star*, about a month old. The two servants, recalled, said that Mr. Kent took in only *The Times*, the *Civil Service Gazette*, and the *Frome Times*. He did not take in the *Morning Star*.

The Chief Constable then proceeded to examine the nurse, Elizabeth Gough. In reply to his questions she said: "Mr. and Mrs. Kent sleep on the same floor with me. On the upper floor the two Miss Kents sleep in a room together, Miss Constance Kent sleeps in a room by herself. Master William Kent sleeps in a room on the same floor, and the cook and housemaid sleep together. The eldest daughter of the second family was born away from Road. The boy, William, is about fifteen years of age, he has been home from school for his Midsummer holidays about a fortnight; he generally goes to bed before his father and mother. There is no dog in the house; in the evening the large dog outside is let loose in the stable yard. I did not observe on Saturday morning that the dog seemed as if he had been drugged. I had bread-and-butter for supper on Friday night, but had no beer or anything of that kind, I never drink anything of that kind. I had a hard day's work on Friday because of

the sweeps. I don't usually have any tea at all, but I did that day take a cup from the general family tea-pot."

Stephen Millett was then recalled, and said: "From my trade as a butcher I am acquainted with the loss of blood from animals when dying. I should think that the amount of blood I observed on the clothes, the blanket, the floor and the soil was not more than three half-pints of blood at the most. I should have expected more from a child of that size."

At this point Mr. Stapleton, a doctor from Trowbridge, one of the group surrounding the coroner, took advantage of the remarkable informality of the inquest to put in his oar. "We medical men up here," he said, "think that that is not enough. We think that three pints of blood from a child like that should be accounted for, and that has not been done."

The next witness called was Joshua Parsons. He said: "I am a surgeon and reside at Beckington. On Saturday morning last, a little after eight, Mr. Kent's son came to me and told me his brother had been found in the privy with his throat cut, and begged me to come to their house immediately. I did so, driving him back with me. I found the body in the laundry, the blanket and the night-dress stained with marks of blood and soil. The night-gown and flannel waistcoat were still on. There were two small cuts on the left hand, evidently made by a sharp instrument after the body had been drained, there was no appearance of blood on them. The throat was cut to the bone by some sharp instrument, from left to right; it completely divided all the membranes, blood-vessels, nerve vessels, and air tubes. It was no doubt done by one sharp, clean incision. I afterwards found a stab on the body, evidently made by some broad, sharp, long and strong instrument, as it penetrated through the

flannel shirt and night-dress, passing below the pericardium and diaphragm, severing the cartilages of two ribs, and extending three-fourths across the chest. The pericardium must have been pushed out of its place by the compression of the side, or it would have passed through that. I judge it was done by a sharp pointed instrument; it could not have been by a razor.[1] It must have been, I think, a sharp-pointed, long, wide and strong knife; the wound was not less than four inches deep, and when it was inflicted the body must have been previously drained of blood.

"I examined the interior of the stomach to ascertain if the child was drugged, but it was not; I found the internal parts healthy. Deceased was a child of remarkably fine development. I am satisfied that no drug had been given to it. I am of opinion that deceased had been dead at least five hours before I examined it first, about eight o'clock in the morning. He was then quite cold, and I was surprised to find so much rigidity. It must have been killed at an early hour in the night, or rather morning. My opinion is that there has not been produced to-day so large a quantity of blood as was likely to be produced by the wounds I have described. A child of that size would have sent out with a gush at one jet a quantity of blood not less than three pints, whereas I do not think that we have seen anything like a pint. The arterial blood would at first come out with a rush, and the venous blood would drain out afterwards. I should have said that there was a blackened appearance all round the child's mouth, which we do not usually see in dead bodies; it was likely to be produced by the violent thrusting of a blanket into the mouth to prevent it crying,

[1] In the light of subsequent events, this positive affirmation by Mr. Parsons is important.

or it could have been done with a hand. The tongue was not cut. I did not make a regular post-mortem examination until I received the coroner's order to do so in the afternoon."

Superintendent Foley here said he had found in the vault of the privy enough paper to cover the table which stood in the hall, and that every particle of the paper was saturated with blood. He was of the opinion that the child had been taken to the privy and murdered there. To this Mr. Parsons replied that in his belief there was a great deal more blood yet to be accounted for, and that in his opinion proper and sufficient search had not yet been made.

There seems to have been, even at this stage, a general opinion that the police had not carried out their duties as thoroughly as they might have done. The foreman of the jury interposed and, addressing the coroner, said: "It is my duty to express to you, Mr. Coroner, a wish that has been conveyed to me by several of the jurymen, to have other witnesses, and to have some of the family examined. I confess I myself do not see its utility, and for the sake of the feelings of the family should wish to avoid it, as their feelings ought to be in some degree respected. Nevertheless, I feel bound to convey the wish of a part of the jury that such should be the case."

To this the coroner replied: "I must say, I do not see what end is to be answered by it. They will only confirm what we have already heard, and say they know no more about it. But if it is a wish of a majority of the jury, it must be done."

Several jurymen promptly exclaimed that, with the exception of their foreman, they were unanimous in their request. Upon the coroner asking them who they

wished to see, they replied that William and Constance Kent should be examined.

This request of the jury was not inspired by any evidence tending to incriminate either of these two members of the family. Even the wildest rumours of the past two days had not pointed to their participation in the crime. But their escapade of three years before was still fresh in local memory, and some vague idea that there must be some connection between it and the present crime persisted. After a heated discussion, in which apparently coroner, jurymen and spectators took part, it was resolved to adjourn to the house in order to examine these witnesses. The inquest was therefore adjourned to the kitchen of Road Hill House, the general public being excluded.

Constance Emilie Kent, described as "a robust young lady, rather tall for her age," was then called. In answer to questions by the coroner, she said: "I am sixteen years of age. I knew nothing about this affair until my brother was found. About half-past ten on Friday night I went to bed, and I knew nothing after eleven o'clock. I generally sleep soundly. I did not leave my bed during the night. I did not hear any noise or anything unusual during the night. I do not know of anyone having any spite against this boy. There has been no disagreement in the house, and I am not aware of anyone owing any grudge to deceased. The nurse has always been kind and attentive to him. On Saturday morning I heard he was missed: I was then getting up." The reporter of the *Journal* remarks that "witness gave her evidence in a subdued but audible tone, without betraying any special emotion, her eyes fixed on the ground."

Her brother, William Saville Kent, aged fourteen (he was actually almost fifteen), said: "I am brother to the

deceased. I went to bed on Friday night at half-past ten, and got up about seven o'clock Saturday morning. I did not get out of my bed during the night. I have nothing to add about his death. I wish I had. The deceased was a great favourite of us all, not of one in particular." In answer to further questions he continued: "I did not see the deceased after dinner-time on Friday; I was out. I always shut my door at night, but do not lock it usually; I did last night for fear." The witness is said to have given his evidence "clearly and well, his eyes being fixed on the coroner throughout."

The coroner then addressed the jury. He cautioned them to dismiss from their minds all preconceived opinions and suspicions—a very necessary warning in view of the flood of rumour which overlay the countryside—and to rely solely on the evidence before them. He expressed his opinion that the fatal injuries had been inflicted in the closet, as no blood had been found in the house, and he believed that it would have been possible so to staunch the blood as to prevent it being thrown on the walls. He said it was clear that the most mysterious and atrocious murder had been committed of which, he thought, when all the circumstances of the case had been considered, he had ever heard or ever read. He thought, however, that the jury would agree with him that they would be unable that day to criminate any person in connection with it. One of their chief difficulties in connection with it was their ignorance of the motive of the murderer; it was not for the purpose of concealing an illegitimate birth, as in some cases; or for the purpose of plunder, as in others. The only conjecture to which he felt himself at liberty to give expression was, that some person had secreted himself in the house overnight, and committed the horrible deed out of spite to the parents.

"You, gentlemen of the jury," he concluded, "may have suspicions on your minds tending to implicate some member—some person—but suspicion, you must remember, is not proof. I think you cannot but agree with me, and record it in your verdict, that a murder has been committed by some person or persons unknown."

The coroner's correction—he was, no doubt, about to say "some member of the family" when he checked himself—showed clearly enough where suspicion lay. Nor were the jurymen slow to respond. One of the jury remarked, "It is unknown, but there is a very strong suspicion which don't at all settle on my stomach," a remark which was greeted with a chorus of approval from his fellow-jurymen. The coroner, however, hastened to continue his address.

"You must remember, gentlemen," he said, "that our duty is merely to inquire. and we are not responsible for our inability to discover the author. And then, gentlemen, we must also recollect that although the action was concealed from the eyes of men, yet it was seen and recorded by One above; the eye of Providence saw the deed and can penetrate the mystery, and although it has not fallen to our lot to-day to point out the offender, yet my conviction is that sooner or later the murderer will be discovered."

The jury held a brief conversation among themselves, during which an adjournment was suggested. This idea did not find favour with the foreman, and the jury agreed to a verdict of "Wilful Murder against some Person or Persons unknown." The inquest had lasted five hours in all.

The proceedings of this inquest not unnaturally raised a storm of criticism, to which the *Journal* had no hesitation in giving expression. "We must first seriously

object to the course pursued in appointing someone who was avowedly an intimate friend of the family as foreman of the jury. We are not objecting to the conduct of the Rev. Mr. Peacock in any particular; he apparently did his duty honestly and straightforwardly. But it is our firm conviction that a man who was beyond a suspicion of partiality was the only proper person to occupy a position of such responsibility. Again, we believe it would have been far more satisfactory to the public, seeing that the murder must have been committed by someone either resident or concealed in the house, that all who slept under the roof that night should have been brought before the jury for examination. This was not done, from a desire to spare the feelings of the family, a very commendable wish in cases of minor importance, but wholly inapplicable to a case of such an intensely serious nature. We think, also, that it would have been a wiser course had the jury adjourned for a few days rather than so promptly have returned their verdict, thus precluding further official investigation until some person should have been apprehended. That the child was murdered in the privy and while sleeping is our strong conviction—it may or may not have been under the influence of chloroform, but certainly it was not first to any appreciable degree suffocated. The manner in which the nurse gave her evidence, and the facts elicited to confute the slight suspicions at first entertained, entirely clear her in our opinion from complicity in this diabolical transaction."

This passage adequately expresses public opinion upon the conduct of the inquest. As an inquiry it was so obviously futile as to be worthless. But it had, by establishing one point, considerably narrowed the field of search. Since no trace could be found of any tamper-

ing with the fastenings of the drawing-room window or shutters, whoever had opened them had done so from inside the house. It seems, however, to have been universally assumed that this person was necessarily the murderer. It would have been equally possible for the window to have been opened to admit the murderer. But, in any case, it became almost certain that one of the inmates of the house knew more about the events of that night than had yet been disclosed.

Again, the dispute about the quantity of blood found seems remarkably puerile. According to the evidence of Benger, there were five feet of water in the vault of the closet. Had the child's throat been cut over the seat, most of the blood would have run into this water, where its amount would not possibly have been estimated, except by analysis. There is no doubt that a strong feeling existed that Mr. Foley and his men had not carried out their search with sufficient thoroughness, and that the question of the blood was thus raised in order to bring discredit upon them.

It was, of course, a fatal mistake not to bring the whole family before the court. But this mistake reacted mainly upon the members of the family themselves. Already curious conjectures were rife as to the movements of Mr. Kent, both before and after the murder. He was known to have displayed great anxiety on the Friday for the immediate return of a lantern which he had sent to be mended. Since the repairer of the lantern lived in the neighbourhood, this fact instantly became common knowledge, and probably led to the rumour that Mr. Kent had been seen (by whom ?) wandering about the grounds at 3 a.m. on Saturday morning. But it was his movements after the discovery that the child was missing which led to the wildest speculation. They were, indeed,

rather curious. His first action on hearing of the loss was to order his horse to be harnessed that he might drive to Trowbridge in order to summon Superintendent Foley. Now, most people would expect a father, faced with similar circumstances, to send the coachman to Trowbridge while he conducted the search in person. Another peculiar fact is that he did not hurry upon his way. He left some little time before the body was found—one of the difficulties of the case is the vagueness as to time, which seems to have been shared by everybody concerned—probably at least ten minutes before. In this time he should have covered a mile and a half. Yet, after the discovery of the body, Mr. Peacock was able to set out in pursuit and to overtake him a mile or so away from Trowbridge. Where had he been all the time? Had Mr. Kent been summoned as a witness, these points might have been cleared up, even by such a coroner. As it was, they remained to form the basis of the most extraordinary allegations.

The funeral took place on Friday, July 6th, not at Road, but at Baynton, near Corsham in Wiltshire, where the Kents owned a family grave. Meanwhile the attention of the police, and for that matter of the public, was concentrated upon the search for a motive. The evidence given at the inquest had shown that there was little if any disagreement in the house, and though it was thought locally that the two servants had been rather too optimistic in this respect, there seemed to be reason to believe that there was no such bitter jealousy as would account for so desparate a crime as murder. Then came a particularly flourishing example of the crop of rumour with which the case was overgrown, to the effect that a large sum of money had been left by some wealthy relative to the deceased child, to the exclusion of the rest of the family.

This statement revoked itself upon examination to the fact that some time before the elder Miss Kent had received a small legacy.

Yet another motive was sought in the supposition that the child had seen or heard something which threatened the security of some member of the household, and that he had been murdered to prevent his revealing it. Upon this supposition were based a number of theories which will be mentioned later. Since, of course, whatever he had seen or heard must have taken place in the nursery, the suspicion of those who upheld this theory became concentrated upon the nurse, Elizabeth Gough. This unfortunate young woman was indeed detained later, not on the grounds that she had committed the murder, but because it was believed that she knew more about the matter than she had revealed at the inquest.

The next official move towards the detection of the murderer was a meeting of the Trowbridge district magistrates at Trowbridge on July 7th. This meeting, which was described as a consultation to decide upon a future plan of operations, was held in private, but its results were very shortly revealed. On the following Monday, July 9th, an inquiry for the examination of witnesses was opened at the Temperance Hall at Road. This inquiry, which was also held behind closed doors, lasted, with frequent adjournments, until Friday, July 20th. It is with the progress of the investigation of the case during this perod that the following chapter will be concerned.

CHAPTER III

Before dealing with the proceedings of the magisterial examination which opened in the Temperance Hall at Road on July 9th, it will be instructive to glance at the facts which were established during its sittings by the police and others, and also at the rumours and conjectures to which these facts gave rise.

The search of Road Hill House and its immediate neighbourhood continued unabated, being directed by Superintendents Foley of Trowbridge and Summers of Frome. Nothing of any importance was found, and it was then decided to drag the river Frome, which flows within a few hundred yards of the house. Nobody seems to have had any very definite idea of the object of this search. Perhaps it was the weapon with which the crime had been committed. It can hardly have been the blood demanded by the butcher and the surgeon. The depth of the river made the first attempt, on July 11th, unsuccessful, and it was not until the 19th that the water had fallen sufficiently to allow of a second attempt being made. On this occasion the bed of the river was thoroughly searched, but without result.

The case had created extraordinary interest in the country, and, as usually happens, the police were bombarded with letters purporting to contain "clues." The following, which is typical of the rest, is sufficient as an illustration. It was written by the wife of a newsvendor in Reading, and is dated "Reading, Friday evening, July 6th, 1860."

"SIR,

"I have taken the liberty of writing to you just to tell you that a journeyman called at our shop on Wednesday morning, about half-past seven, just as I was folding my papers, and asked me if I had a yesterday's *Telegraph*. I told him no, that there was a great demand for them on Tuesday, owing to Her Majesty firing the first shot at Wimbledon. When he asked me for the *Telegraph*, he asked me as any customer would, but when I told him no, he asked me in a cautious and tremulous way, 'Did I know whether there was anything in it about the mysterious murder?' I told him I did not know, I had not time to read the news, being busy, but the way in which he asked me seemed to impress me that he must have some reason, so that I went round the counter and looked after him, and I could not lose the impression all day. I named it to my husband and children at dinner-time, and they said it certainly was singular, and in the evening I mentioned it to one of our Force, as he was on duty at the shop door, and the policeman said it was strange indeed. I took a good look at the man as he went up the street, and that, coupled with the impression I have spoken of, have induced me to forward this to you."

The letter concludes with a minute description of this suspicious journeyman.

On July 12th an article appeared in the *Morning Post* which voices the opinion of a large section of those living at a distance from the scene of the crime. This article, in commenting upon the crime, contained the following extract:

"Every effort, say the local papers, has been made to detect the murderer, but hitherto without effect. Perhaps so, but we are of opinion that many efforts yet

untried may be made, and that in due time the murderer will be brought to justice. Without intending any disrespect to the coroner or the jury, we take the liberty of saying that the circumstances demand a much more searching investigation than they have received at the hands of these functionaries. The Secretary of State must take it up, and the case must be sifted by a commission under his authority. As far as we can understand the story, it seems that the house was thoroughly closed up on the night preceding the murder. In the morning the house was partly open; but it does not appear to have been opened by violence from without. Therefore the inference is plain that the secret lies with someone who was within.

"This seems so plain that we do not hesitate for an instant to say that, however painful such a proceeding may be, and however for a while the innocent may seem to suffer with the guilty, yet it must be held that the persons that composed the household must collectively be responsible for this mysterious and dreadful event. Not one of them ought to be at large until the whole mystery is cleared up. Let a *cordon judiciaire* be drawn around the house, and let parents and nurse, master and servants, be confined within it until the truth is found. We cannot divest ourselves of the belief that the child suffered death at the hands of someone belonging to the house. We beg to ask, what was the antecedent state of the family circle? It has been stated that two of the children once ran away because of some family disagreement. Have there been any recent repetitions of these disagreements? On what terms were the children of the first wife with those of the second? Had there been any previous strife in which the murdered child had been involved? Was the father a good father? It is very

painful to have such questions suggested, and we feel for all parties while we write them, but no fear of hurting anyone's feelings must be allowed to stifle inquiry.

" Of the servants we should like to learn more. What were their antecedents, habits and characters ? On what terms were they with one another, with the children, and with their master and mistress ? Had anything occurred to provoke spite towards children or employers ? Were any of them, or was anybody in the house, subject to mental delusions or violent impulses ? Further, what steps have been taken to trace the instrument with which the deed was done ?

" The extraordinary circumstances of the case require the employment by authority of the acutest discerners of probabilities and the most experienced of detectives. The problem is simply this : Given a household locked up for the night and retired to rest—a child safe at eleven o'clock, murdered before five, and carried out of doors, the house not broken into from without, the question is, who committed the murder ? From the nature of the case it must have been someone in the house ; someone who could move about stealthily ; someone who knew how to handle a child, whom the child itself would not feel strange with, and by whom it could be moved and carried without alarm ; someone who knew how to fold bedclothes and to leave a crib tidy ; someone who knew how to undo fastenings without noise (if indeed the house was locked as sworn), and someone who knew the dog and was known by him.

" This much is certain, then, that the murderer was either a man, a woman, or one of the big children. If a man, there was but one who could have stolen into the room, handled the child, tidied the crib, and quieted the dog. If a woman, surely the question is very much

narrowed, so much so that a skilled forensic cross-examiner ought to get at the solution without much difficulty. That it should be a child would be incredible had not Eugine Plummer taught us to what length the wicked precocity of some children will extend. There are some other questions which ought to be answered. We should like to know why the father went to Trowbridge immediately the child was missed; why he thought that it had been stolen, and how he accounted to himself for the *modus operandi* of the thief; why he did not first search the premises, raise the neighbourhood, and call in all conceivable help. We are willing to make allowance for a father's agitation, indecision, mistakes and confusion, under such desperate circumstances, but at the same time we should like to know how what he did that night weaves in with the context of his temperament and habits.

"We should like to know whether it is proved that the house was fastened up as it should have been, and whether the nurse was an early riser; how it was that she woke at five o'clock on that day, and how it was that all the knives were cleaned so early that morning; and whether the cesspool has since been emptied. It is clear to us that the solution of the question turns upon very delicate points which, in their nicety, lie far beyond the powers and skill of a country coroner's jury. The case must be put into higher hands, and, we repeat, the investigation must proceed upon the presumption that one (or more) of the parties in the family is guilty. This will, of course, be very painful to the innocent, but in time the truth will come out, and those who know nothing of the crime have nothing to fear. But it is certain that the value of human life, the security of families, and the sacredness of English households

demand that this matter should never be allowed to rest till the last shadow in its dark mystery shall have been chased away by the light of unquestionable truth, whether it be by the highest moral certainty of which circumstantial evidence is capable, or by the surer evidence of testimony upon oath."

As a matter of fact, many of the recommendations contained in this article either had been or were on the point of being carried out. The past history of the household and of its individual members had formed a subject of research for the magisterial inquiry then sitting, and the household was under close observation, one of its members, Elizabeth Gough, being actually under arrest at the time of the appearance of the article. There was apparently nothing unusual in the fact that the boy had cleaned the knives so early. But in its main contention, that the case should be put into more expert hands, the article was entirely justified. The local opinion demanded that this very step should be taken. In an article in its issue of July 14th, the *Somerset and Wilts Journal* expressed itself even more strongly than the *Morning Post.*

"Our local constabulary and magistracy have done their utmost, and done well, but something more is now required. Government must, we demand it as a right, we ask it as a favour, take this matter up, not let it sink, localised, into insignificant oblivion. . . . Let a reward be offered with an unstingy hand. Let the best detective talent in the country be engaged. . . ."

The regular practitioners having failed to discover the criminal among the limited range of individuals who might conceivably have committed the crime, the quacks stepped in with their offers of assistance. One man expressed his willingness to describe secretly to the

magistrates the individuals whom he saw in a dream devising a plot against the child's life. Another proposed that an examination should be made of the eyes of the murdered child, in the expectation that the image of the murderer would be found upon it. This astonishing suggestion was based upon an account in the *New York Observer*, of some date in July 1857, of the examination of the eye of a victim of murder at Auburn. This account is worth quoting. "We suggested the saturation of the eye in a weak solution of atropine, which evidently produced an enlarged state of the pupil. On observing this, we touched the end of the optic nerve with the extract, when the eye instantly became protuberant. We now applied a very powerful lens, and discovered in the pupil the worn-away figure of a man in a light coat beside whom was a round stone standing or suspended in the air with a small handle, stuck as it were in the earth. The remainder was debris, evidently lost from the destruction of the optic and its separation from the mother-brain. Had we performed this operation when the eye was entire in the socket, with all its powerful connections with the brain, there is not the least doubt we should have detected the last idea and impression made on the mind and eye of the unfortunate man. We should have had the contour, or, better still, the exact figure of the murderer. The last impression before death is always more terrible than any other."

Among similar suggestions may be placed a letter which appeared in the local press.

"Mr. Editor,

"As but little clue seems obtainable by the police to the perpetrator of this diabolical murder, and as strong suspicion without evidence rests on some parties,

I hereby offer, under certain conditions, to point out the person who is morally capable of committing the murder of that poor boy, if access could be obtained to the parties who have committed the act. I make this offer in no boastful spirit, but after having thoroughly tested the Type of Brain which always accompanies the *true deliberate murderer ;* we find it as easy to detect the murderer's head as it is to select a tiger from a sheep. I anticipate every objection which will be made to this offer, and make no doubt that many will deem it fraught with danger and error. But I consider it far more dangerous to the interest of mankind that any person should be accused on the strength of village gossip, than on a tried, disinterested science such as I claim to be the humble exponent. I enclose my card, and remain,

" Yours very truly,

" PHRENOLOGIST."

" Phrenologist " may or may not have been an adept at selecting tigers from sheep by measuring their crania, but he was certainly correct as to the danger of people being accused on the strength of village gossip. How great this danger was will be seen by an account of the proceedings of the magisterial inquiry, for which we may refer to the issue of the *Journal* of July 14th.

" Mr. Kent having expressed suspicions concerning two servants, a cook and a nursemaid, one of whom was imprisoned for robbery from Mr. Kent some time ago, and the other having been discharged without warning for ill-treating the children, Mr. Foley has ferreted out these two women and ascertained that on the night in question they were otherwise occupied in another part of the country. . . .

" On Monday (July 9th) the magistrates of the district,

W. Stancomb, Esq., H. G. Ludlow, Esq., J. P. Stancomb, Esq., R. Walmesley, Esq., and Rev. R. Crawley, together with J. Sinkins and G. W. Sheppard, Esqrs., of Frome, the chief constables of Wilts and Somerset, and Superintendents Foley, Summers, Wolfe and Abbot, met in the Temperance Hall (at Road), where they sat until eight o'clock at night examining witnesses, among whom were Mr. Kent, the cook, nurse, housemaid, the manservant, the boy who cleaned the knives and who was discharged on the day of the murder, Mr. Parsons (the doctor from Beckington), the washerwoman and her daughter, and two or three of the family; Mrs. Kent at her own house. The examination was rigidly private, but we are sufficiently in possession of what transpired to know that although trivial points were elucidated to some extent, nothing occurred to throw light on the main points of the case.

"On Tuesday the same gentlemen again sat for some hours at the Temperance Hall, Road, when one or two additional witnesses were called, and the nurse, who had been rigidly cross-examined the previous day for three hours, was subjected to the same process for an additional hour and a half. Some slight discrepancies occurring in her evidence, the magistrates informed her that she would be detained and would have to go to Trowbridge police station with Mr. Foley. The girl immediately went into a fit of hysterics, and was unconscious for a few minutes, but speedily recovering her composure, she was immediately taken to Mr. Foley's house, the police station, but is not treated as a prisoner, by the magistrate's orders. Her apprehension is not, we have every reason to believe, in consequence of a belief that she was the actual murderer, or even that she was an accomplice, but in the hope that she knows more of the

facts than she has yet communicated, and may be induced to reveal what she knows or suspects to free herself from suspicion."

The unfortunate Elizabeth Gough, having been placed as an unwilling guest in Mr. Foley's house, was allowed three days in which to reflect upon the discrepancies of her evidence. Meanwhile, the magisterial inquiry, with the addition of two further members, was renewed on Friday, July 13th, on which day it remained in session for eight hours. Since the last meeting Mr. W. Stancombe had been to London, and had an interview with the Secretary of State, relating to the issue of a reward and the employment of detectives from London. This interview was discussed at considerable length, and the examination was then resumed. Since everybody who had taken part in the original search—which included the greater part of the male population of Road—was summoned and questioned, it is hardly surprising that the proceeding of this secret inquiry immediately became popular knowledge. Under these circumstances the reporter of the *Journal* was able to supply the following information:

"It is not true that a reward has as yet been issued by the Government for the apprehension of the murderer. . . . It is not true that a detective from London has yet visited Road; the statements which have been made to that effect having been founded on the fact that a reporter in the guise of a detective, was shown over the house by Mr. Kent on Saturday last (July 7th), he taking the opportunity to draw a plan—a very inaccurate one, by the way—of the premises, which has since been published. London detectives have, however, been consulted by letter. There is no truth in the statement that Mr. Kent was seen walking in his grounds at three

o'clock on the morning of the murder, or in the absurd rumours that the body of the first Mrs. Kent has been exhumed; nor is it correct that the child's life was insured, nor that any money has been bequeathed to it. The very prevalent report that the nursemaid had 'confessed' is entirely without foundation; nothing has been elicited from her as yet tending to throw decisive light on the subject of the inquiry; nor do we think that such a revelation by her is possible, because we do not believe that she had any participation in the crime, although she has been placed under arrest. She may have, and doubtless has, her suspicions, but these she does not impart in any positive manner, though her testimony in a negative aspect may indicate her own belief.

"That the girl Constance had anything to do with the affair she repudiates most strongly, and the feeling of the public has now almost wholly veered from that quarter, and settled in another, although there seems to be a mystery hanging over the abduction from the wash of a bed-gown of one of the female branches of the family, which has not yet been cleared up. We do not expect, for our own part, any confession from Elizabeth Gough, or indeed anyone, and inquiries which have been made as to the relation of the heads of the family with the servants have not resulted in any striking confirmation of a common, though we are convinced unfounded, suspicion as to the immediate cause of the murder. No one has been apprehended as yet except the nurse, although, as is most natural and proper, the household is under temporary surveillance."

This appeared on July 14th, and refers to incidents which occurred at the examination held on the 9th and 13th. Yet it is evident that as early as this the missing night-gown had attracted attention. What appeared at

this stage to have happened was this. The night-gown belonged to Constance Kent. Superintendent Foley stated that he had seen the night-gown worn by her on the night of the murder, when it bore no marks or stains of any kind. When, however, the washerwoman, Mrs. Holley, came to check the clothes sent to her for washing, she could find no night-gown belonging to Constance, although one was entered as an item in the washing book. Upon the point being raised at the inquiry, Constance and the servants declared that it had been included in the bundle. Constance's underclothes were stated to be distinguishable from those of her sisters by their comparative newness and by their being marked with her initials.

Before their meeting on Friday, July 13th, the magistrates, to allay public excitement, which was running very high, had announced that Elizabeth Gough would not be examined that day, but would remain at Trowbridge. She was, however, brought to Road later in the day, and on this occasion was accompanied by her father, who had come from Hammersmith to attend the case. The reporter of the *Journal* managed to pick up several scraps of gossip concerning this appearance of hers.

"On her exit from the Hall she was understood to intimate that her further detention was, to a great extent at least, voluntary on her part. It was understood that a witness was called to speak to the fact that when Mrs. Kent was first apprised of her boy's death, she exclaimed: 'Is he murdered? Good God, it is someone in the house who has done it!' Mrs. Kent was also privately re-examined at the house. In an inquiry where everything is kept so profoundly secret that even magistrates who had not been in attendance throughout the pro-

ceedings were requested to withdraw, it is of course difficult to obtain authentic information. We hear, however, that Mrs. Kent admits that on the night of the murder she heard, or thought she heard, very early in the morning a footfall on the stairs, but was unwilling to disturb Mr. Kent, who was sound asleep at her side. That he did not leave their bedroom she was quite confident, as she has slept by no means soundly of late.

" While awaiting the call of the magistrates in a house adjoining the Temperance Hall, occupied by Mr. Stokes, the saddler, where the various witnesses were accustomed to wait, the nurse appeared to be greatly agitated, and walked to and fro apparently in much distress of mind. She said she hoped she should not be again examined that day, as she was afraid she should faint as she had done on Tuesday. She also said that when she had left Mr. Kent's house she said: ' How can I bear it? I can't hold out much longer. I must give up, I can't hold out any longer.' On which Mrs. Kent had replied: ' Oh, don't say that! You must bear it a little longer, you have done so well so far, do keep up; you must, for my sake!' At another time also she said she would never love another child of anybody's wherever she lived; she had made up her mind to that, for twice something had happened to a child she liked. Once at a place where she lived two years she was very fond of the child, and there it died.

" Her innocence of the crime is believed by all, although many suspect that she knows more than she has yet revealed. The great probability is, that, knowing the whole circumstances of the case, she is enabled to form a much more shrewd suspicion than most persons, but her display of prudence in not disclosing what is a mere guess might be imitated with advantage by many

who are ready enough to censure her, and is quite in keeping with the discretion and wonderful self-possession she has displayed throughout.

" On the adjournment of the examination to Monday (July 16th) the nurse returned with Superintendent Foley to Trowbridge, her spirits apparently relieved by her interview with the magistrates."

During the week-end the case took on an entirely new complexion. Mr. Stancombe's interview with the Home Secretary had borne fruit. The Government offered a reward for the apprehension of the murderer, and at the same time promised a free pardon to any accomplice, not the actual murderer, who would come forward and give information. Further, Inspector Whicher, one of the leading lights of Scotland Yard, had been sent to Road to assist in the investigation.

" The inquiry was resumed on Monday morning (July 16th) at eleven o'clock, when, in addition to the gentlemen previously in attendance, the detective, Mr. Whicher, was present. Mr. Kent was again called in for examination, and the Rev. Mr. Peacock, the foreman at the coroner's inquest, was also examined. The nurse was called in after about two hours, and on reappearing said that she had been released from custody and returned to Mr. Kent's house. She appeared much worn by the excitement and anxiety she had experienced during her detention. Shortly afterwards the doors of the Temperance Hall were thrown open and the representatives of the Press who were in attendance were admitted.

" The Rev. R. Crawley, who had apparently presided, addressing the reporters, said that he regretted that he had little to report respecting the murder. Inspector Whicher had arrived from London charged by the Home

Secretary, Sir G. C. Lewis, with the pursuance of the investigation, and the whole affair would be placed in his hands. A reward of £100 would be offered by the Government for the detection of the murderer, and on this fact being communicated to Mr. Kent, he had immediately offered to give another £100 for the same purpose. Any accomplice except the actual murderer would receive a free pardon on giving information. They had released Elizabeth Gough with full liberty to go where she pleased, but she had stated her intention of returning to the house, in order to be in attendance on Mrs. Kent during her confinement."

It appears that the representatives of the Press, who had hitherto been excluded, were allowed to ask questions, in order to supplement the information which they had picked up outside the Hall, principally, one may suppose, at the house of Mr. Stokes, the saddler. The secrecy with which this examination had been surrounded was a pure farce, and the only effect of the proceedings had been to feed the already overwhelming flood of rumour. Not the slightest attempt was made to segregate the witnesses even during the proceedings. They were collected in the saddler's house, to which they returned after their examination, and anybody who chose to join them was at liberty to do so. The reporters managed to secure a perfectly reliable commentary upon everything that took place, which was published under the guise of editorial conjecture. The general public, less expert in piecing the shreds together, twisted the fabric into the shape which best suited their own theories, and the wildest rumours were set in circulation.

The evidence before this secret inquiry was not taken on oath. The witnesses were therefore deliberately encouraged to say anything they pleased, to surround

the facts with an almost impenetrable veil of conjecture. The whole district was in a fever of excitement, and it is hardly surprising that the less responsible witnesses allowed full rein to their imaginations. The atmosphere of the Temperance Hall must have been remarkably similar to that of a village inn, when the local worthies are engaged in giving their opinions upon the mysterious disappearance of Farmer Giles's cow. It is important that the conditions surrounding this magisterial inquiry should be realised, for they were undoubtedly responsible for many of the later developments of this extraordinary case.

Nothing of importance was elicited by the reporters' questions, although one of the magistrates, Mr. Wellow, took occasion to remark that, although nothing of a tangible character had as yet been discovered, it was only due to state that the police had used their utmost exertions in the case, and the ablest men of the local force had been actively engaged in the investigation.

The *Somerset and Wilts Journal* of July 21st contained an article which, though disguised under the form of editorial speculation, contains, in fact, a résumé of the various suggestions which had been made behind the closed doors of the Temperance Hall. The following is an extract from this article:

"On Sunday (July 15th) Mr. Kent and some of the family attended worship at the parish church, which is close to their house. The statement that the family have been annoyed by the villagers when out walking is shown to be incorrect by the simple fact that none of them has been out as described. The Misses Kent have driven in the carriage to Frome on two or three days this week, to transact business, a fact which hardly comports, we imagine, with that extreme nervousness to which one

of them was stated to be subject, so as to preclude being examined by the magistrates. . . .

"In our last issue we stated that the local medical gentlemen were decided in their opinion that chloroform had not been applied to the child, as such an operation would have necessitated the waking and probable screaming of the deceased. A gentleman who stands high in the medical profession, and who is accustomed to weigh and decide on points of evidence, assures us that not only is such administration possible without waking, but that he believes it was very probably done on this instance.

"An extraordinary occurrence seems to have taken place on the night after the murder. Two policemen were put on duty inside the house and proposed to remain in the lobby at the foot of the stairs all night. By some means, however, they found their way into the kitchen, and while there they were locked in by someone, where they remained about an hour, when, awaking to a sense of their position, they began hammering on the door, which after twenty minutes was opened by Mr. Kent! Surely this implies negligence in someone."

Comment upon this "extraordinary incident" is impossible. If the policemen were indeed locked in, who turned the key and for what purpose? Did someone within the house wish to perform some secret action on the night after the murder? What sort of a watch was being kept by policemen who remained an hour in the kitchen without discovering that they were locked in? The incident, although as it happened it had no direct bearing on the case, is interesting as a further illustration of the amazing laxity of precaution which characterised the whole of the earlier proceedings. It is interesting to conjecture what incriminating evidence might have been destroyed during that hour.

The matter of the early cleaning of the knives came in for some inquiry. It appeared that this was in accordance with the routine of the house, but that, as it happened, two persons assisted at the cleaning that morning. While the boy was engaged upon this work, the coachman came to him and asked him if he had finished. Upon the boy telling him he had not, the coachman said he would clean the knives if the boy would finish the cleaning of the boots, as he wanted his help in the stables. This was, in fact, done. The boy said that he had not noticed any stains upon the carving-knives, and the coachman and gardener, who also seem to have been about the back premises, corroborated this evidence.

Another rather curious point was elicited. The suggestion had been made, as will be seen later, that the drawing-room window had only been opened as a blind, and that the murderer had actually left the house (and even possibly entered it) through the stable yard. But on the night of the murder there happened to be two dogs in the yard.

"A small rough dog, which till recently had been kept in the house, has been kept in the stables of late, and was there on the night of the murder. A policeman avers that about one o'clock (that night) when passing the house, the large house-dog barked. Strange that the dog should have been disturbed by such a trifle, and not by the subsequent events of the night—strange also that the dog has not been heard to bark since.

"It may be well to condense and concentrate this tragedy as far as possible into a focus, with a view to pointing out its tangible points. The philosophic method is to look first at the manner, second the motive, third the person concerned. As to the way in which the foul deed was accomplished, we have a confident

belief that we, in common with the great majority of those acquainted with the facts, have been misled and in error. We are induced to believe that the child was not taken through the drawing-room window at all, but by a way hitherto unsuspected. Leading from the landing on which the nurse's room is situated is a small back staircase, up which, according to the nurse, Master William was accustomed to go to bed, owing to his thicker boots. This leads down to a long passage, close to the kitchen, which ends in a back door, ordinarily fastened by a latch, a bolt and a chain. Six feet from this door, across the yard where the dog was loose, is a small door, fastened by one bolt, by the side of the large gates. Go through these, and within three yards is the opening in the shrubbery leading to the privy in which the murder was committed. How much more natural is it that the murderer should have come that way, in which he would be in the open air only one minute, than that he should have taken the long circuitous route which has been hitherto conjectured, by which he would have traversed the grounds for nearly a hundred yards, and during the greater part of the transit have been visible to anyone who happened to be passing in the road.

"Of course this necessitates the inference that he returned by the same route, carefully fastening the doors behind him—for they were all found secure in the morning—then proceeded to the drawing-room, unfastened the door and partially opened the window. It is a somewhat singular fact that to the height at which it was found open, the window might have been raised without noise, but a very few inches higher would have occasioned a loud creaking. This then is our belief as to the route taken by the murderer.

"The weapon the barbarous deed was done with is

the next consideration. Now, by the route described, the ruffian could easily have gone into the kitchen, where on the sideboard lay a number of knives, either of three of which was eminently adapted to perform the horrid deed. The knife, we know, was carefully wiped on paper, and one or two thrusts into the surrounding turf would have effectually cleansed it from every stain, and having been replaced by the murderer with the rest, it was very likely cleaned by the boy, and has since been used unsuspectingly by the family. The deep stab on the chest may be accounted for in four ways. It might have been the thrust of one who, fearful that life still remained, thought it necessary for the completion of the act. This implies gross ignorance, and is improbable. It might have been for the purpose of pushing the corpse below the splashboard; this is plausible. It may have been done by the accomplice, if two were actually concerned, so that the two might be equally implicated. It may have been done as an expression of malignant hate, a reason which would appear probable were not the sufferer an unoffending, helpless infant.

"The motive for the murder is its most mysterious feature. That plunder was not its object is self-evident. The smallest theft was not even attempted. Pecuniary gain by the death of the child either does not appear to be possible, no money being, as far as can be ascertained, dependent on its life. Malicious revenge has been suggested, but it must indeed have been deep-seated, to have induced a stranger to incur such a tremendous risk. Jealousy of the child has also been thought of, but the deceased is said to have been a general favourite of all parties. It could not have been the result of a personal feud with one so young, so even jealousy must have been incurred involuntarily on his part. A desire to destroy

the life of Mrs. Kent by the sudden shock has been mooted, but in that case it was a singularly roundabout method of accomplishing the object. The desire to conceal immorality has been advanced by some, but that implies a guilty knowledge by those whom we believe to be entirely innocent. Here, after all, is the great mystery. Discover the true motive and you throw a blaze of light upon the actor.

" As to the perpetrator of the horrid crime let us add a few words. Were one or two persons concerned in it? If the child was taken out of the window, then either two must have been engaged in it or the risk of detection was vastly increased by extensive previous arrangements, which is not in the least degree likely. But that it was not so conveyed is our pertinacious opinion, and, therefore, as one could have done the fatal work, it is hardly likely that two would have been engaged in it. So desperate an act required a person with a cool, calculating head, a determined will, and a degree of muscular strength which would almost shut out the possibility of its being the deed of a female, did not other circumstances point the contrary way. The murderer, or the assistant-murderer, must have had an intimate knowledge of the peculiar arrangements of the deceased's cot; for a remarkable circumstance has hitherto been overlooked, at least by us. The deceased, when lying in his cot, was covered by a sheet, a blanket and a counterpane; the first and last named, being broad, were tucked in at the sides; the blanket, being much narrower, was not included in the tucking, and was drawn out by the murderer from between the sheet and counterpane, leaving the latter intact and untouched. This seems plainly to point to an intimate study of the plan of the bedding beforehand. The clue which seems at first

sight to be the most proper one to work is the piece of flannel found beneath the body in the privy, and which is owned and recognised by no one in the house.

"This has been washed from its bloody stains, and was, on Tuesday last (July 17th), exposed to view in the Temperance Hall. It is apparently a flannel chest-protector, and, from the position of the strings, which have been torn off, is now pronounced to be, not belonging to a broad-chested man, but to have been worn the reverse way upwards by a female, the top part overlapping on the stays. This must have been used for one of three purposes—either as a vehicle for administering chloroform, a suggestion already noticed; or to put over the child's mouth in case of a scream, for which purpose it certainly appeared to us it was not used, as the child was killed while asleep; or it may have been accidentally dropped from the murderer while bending over to accomplish the bloody work, which would appear to indicate a person in a state of comparative nudity. As far as the act itself is concerned, these we think are the chief points to be gleaned as to its perpetrator."

The above extract has been quoted, not as an example of cogent and profound deduction from the available data, but to show the maze of facts, theories and conjectures with which the case was surrounded by the time that Inspector Whicher arrived on the scene. His first appearance at Road, it must be remembered, was on Sunday, July 15th, more than a fortnight after the crime, by which time any chance of discovering additional evidence had long since vanished. He had to rely upon the data which had been collected by the local police, and upon the mass of contradictory statements, theories and allegations which had sprung up like weeds in the course of the inquest and the magisterial inquiry. He spent

the first few days in endeavouring to disentangle the facts, questioning everybody who could possibly be deemed to have anything relevant to say. Then he decided to act upon the only real clue, that suggested by the missing night-dress.

Under the circumstances this was a very bold step to take. The magistrates, before whom he must justify his action, had shown themselves to be incapable of estimating the value of evidence. By this time they were so convinced that they had exhausted every means of detecting the murderer, that they were more than sceptical of the possibility that any stranger from London, however great his reputation, could succeed where they had failed. It is not too much to say that nothing short of a sworn statement by an eye-witness would have convinced them. Yet Inspector Whicher determined upon a very subtle and delicate procedure. He proposed to show that the owner of the night-dress was the inmate of the house most likely to commit the murder, to strengthen the probability by bringing evidence of the jealousy and ill-will existing between that person and her step-family, and finally he hoped, by the eventual discovery of the night-gown, to prove his case. On Friday, July 20th, he arrested Constance Kent.

The magisterial inquiry, which had been adjourned until this date, was already sitting, and the news of an arrest caused a great sensation. In the words of the *Journal*, " The magistrates, detectives and police had been in close consultation ever since 11 a.m., during which time no witnesses had been examined, but much excitement had been apparent, both among magistrates and all concerned. . . . At two o'clock the reporters were admitted, but after waiting half an hour with some of the magistrates, in expectancy (the remainder of the magis-

trates and the police being at Mr. Kent's house), the reporters were again requested to withdraw, and shortly afterwards Mr. Summers was dispatched in a trap, the belief being that he was about to fetch a prisoner."

This belief was justified, for Superintendent Summers returned with Constance Kent, who was duly remanded in custody until the following Friday (July 27th). The proceedings which followed her arrest were purely formal, consisting almost entirely of Inspector Whicher's statement. He said: "I have been engaged since Sunday last (July 15th) in investigating all the circumstances connected with the murder of Francis Saville Kent, which took place on the night of Friday, June 29th last, at the house of his father, situate at Road, in the county of Wilts. In company with Captain Meredith, Superintendent Foley, and other members of the police force, I have made an examination of the premises, and I believe that the murder was committed by an inmate of the house. From many inquiries I have made, and from information which I have received, I sent for Constance Kent on Monday last, to her bedroom, having first previously examined her drawers, and found a list of her linen, which I now produce, on which are enumerated, among other articles of linen, three night-dresses as belonging to her.

"I said to her, 'Is this a list of your linen?' and she replied, 'Yes.' I then asked, 'In whose handwriting is it?' and she answered, 'It is my own writing.' I said, 'Here are three night-dresses. Where are they?' She replied, 'I have two; the other was lost at the wash, a week after the murder! She then brought the two I now produce. I also saw a night-dress and a night-cap on her bed, and said to her, 'Whose are these?' She replied, 'They are my sister's!' The night-dresses were only soiled by being worn.

"This afternoon I again proceeded to the house, and

sent for the prisoner into the sitting-room. I said to her, 'I am a police officer, and I hold a warrant for your apprehension, charging you with the murder of your brother, Francis Saville Kent, which I will read to you.' I then read the warrant to her, and she commenced crying, and said, 'I am innocent,' which she repeated several times. I then accompanied her to her bedroom, where she put on her bonnet and mantle, after which I brought her to this place. She made no further remark to me. I now pray the Bench for a remand of the prisoner, to enable me to collect evidence to show the animus which the prisoner entertained towards the deceased, and to search for the missing night-dress, which if in existence may possibly be found."

The remand was granted, and Constance Kent was committed to Devizes gaol.

The events and rumours which filled the week between July 20th and 27th can be learnt by further reference to the *Journal*.

"The subsequent proceedings of the police may be detailed in a few lines. Mr. Whicher has been aided in his investigations by Sergeant Williamson, who is also a member of the Metropolitan Force, and they separately have been actively engaged in carrying on the investigations, paying visits to Bristol, Beckington, Frome and other places in the prosecution of their inquiries. On Tuesday (July 24th) a placard was affixed to the door of the Temperance Hall, offering a reward of £5 for 'a lady's night-dress, supposed to have been thrown into the river, burnt, or sold in the neighbourhood.' . . . Who abstracted the gown from the wash bundle, and whether it was done that it might be re-worn by Constance instead of a clean one, or in order to cast unjust suspicion upon her, is unknown.

"The solicitor engaged by Mr. Kent for the defence is

Mr. Dunn, of Frome, who has also instructed Mr. Edlin, of Bristol. It is a peculiar fact that Mr. Rodway, of Trowbridge, has also been engaged by Mrs. Kent's friends on behalf of the second family. On Sunday evening (July 22nd) Mr. Dunn and Mr. Kent proceeded to Devizes gaol, when the former had an interview with Constance, the father being very properly not permitted to see her. With the Governor's consent she has had a bed provided for her use, and a more congenial diet substituted for the ordinary prison fare. A contemporary animadverts upon the 'reprehensible' conduct of the magistrates in remanding her to Devizes, while the nurse was merely taken to Trowbridge, in ignorance of the fact that it was out of the power of the magistrates to do otherwise, if she was remanded for a longer period than three days."

This last sentence reveals the fact that a good deal of popular sympathy was being expressed for Constance Kent, both locally and generally. Inspector Whicher's action seems to have taken everybody by surprise, and a good deal of disapproval was expressed at his arrest of a girl of only sixteen. But the *Journal* goes on to give an account of her running away from home, which throws a remarkable light upon her strength of character.

"Such considerable stress has been laid on the Bath episode in June 1856 that we add some particulars concerning it. It appears that, having attired herself in a suit of her brother's, and thrown her own clothes and her hair which she had cut off down the identical privy where the deceased's body was found, Constance and William started off to Bath, determined to make their way to Bristol and go to sea. After two days' absence, the boy, on being interrogated by the Inspector of the Bath police, was surprised into a confession that his

name was Kent. The sister, however, vigorously denied having ever seen him before a few minutes previously, he was no relation to her, her name was nothing, she had come from and was going to nowhere. And when, after a night's detention, covered merely by a greatcoat, the footman came to fetch her, she simply looked up from her sleep on hearing his voice, and then lay down again calmly to rest, displaying throughout an amount of nerve which amazed all beholders. That she should have engaged the assistance of her brother William in any subsequent hazardous and difficult enterprise, after his failure on this occasion, appears improbable.

"Of late, however, Constance Kent appears to have borne a most excellent character. Several of her schoolfellows with whom we have conversed testify to her amiability, diligence and readiness to oblige; and her governesses, the Misses Williams and Scott, speak of her in similar terms; she carried off a prize at the last half-yearly examination.

"A number of statements have been incautiously accepted and given publicity to by the Press, all tending to exculpate the Kent family, which, emanating as they do from the family itself, their professional advisers and intimate friends, must be received with the reservation which fact demands. It is said that the first Mrs. Kent was for the last few years of her life almost imbecile—from what cause is not stated—that paroxysms of madness were evinced at the time of her giving birth to Constance, that Constance's maternal grandmother was insane, and that an uncle had been twice confined in a lunatic asylum. Two medical gentlemen also state that in their opinion Constance is of a temperament likely to be influenced by a sudden paroxysm of passion.

"The present Mrs. Kent, it is stated, lived thirteen

years in the family as governess previous to the death of the first wife, sixteen months after which event Mr. Kent again married, and ten months afterwards their first child was born, which lived only a few hours. It is also asserted that the deceased was remarkably fond of Constance, that he was engaged on making a bead necklace for her on the evening before the murder, and that she purchased and brought home from school for him a coloured picture as a present on her return a few weeks since.

" It is singular, as a coincidence, if nothing more, that whereas all the present domestics are unanimous and eloquent in speaking of the delightful harmony which reigned in the household, the servants who have left, and the neighbours, speak very differently on that point.

" Regarding Mr. Kent's hasty departure for Trowbridge, we would ask one question. He left within a quarter of an hour of the loss being known, meeting the Road policeman going to the house as he came out. The order for the horse to be put into the trap must have been given, therefore, some time previously. The dead body was not discovered till some time, say at least a quarter of an hour, after his departure. The Rev. Mr. Peacock then rode after him, and caught him before entering Trowbridge. The distance is less than five miles ; how is it that Mr. Kent was so long on the road ? Surely with even only ten minutes' start, driving as he should have driven, it would have been impossible so to gain on the trap as to overtake it in a four-miles ride. We should like to hear an explanation of this circumstance."

CHAPTER IV

The magistrates reassembled at eleven o'clock on Friday, July 27th, at the Temperance Hall at Road. "The magistrates present were H. G. Ludlow, Esq., chairman, Rev. R. Crawley, W. Stancomb, J. P. Stancomb, and — Bythesea, Esqrs. The Somersetshire magistrates present were Dr. Harrison, J. Sinkins, and G. W. Sheppard, Esqrs. Mr. Kent occupied a chair by the side of Mr. Dunn, solicitor, of Frome, next to whom sat Mr. Edlin of Bristol, whom Mr. Dunn instructed. The chief constable of the county and the superintendents of police from Trowbridge, Devizes, Frome and Warminster were present, as also detectives Whicher and Williamson, and Mr. Burges Fry, coroner for Somerset.

"At half-past eleven Constance Emilie Kent came in, walking with a faltering step, and going up to her father, gave him a trembling kiss. She then sat down, wearing her veil down throughout. The crowd then came in with a tremendous rush, occupying every available inch."

The first witness was Elizabeth Gough, who is reported to have "looked considerably emaciated." No wonder! She was duly sworn, and the evidence she had already given was read over to her. Upon her confirming it, the examination began. To various questions she replied as follows:

"On the night of the murder I had a Palmer's night-light burning in my room. I missed the child when I

woke at five o'clock; I laid down again; I felt satisfied the child was gone, and believed Mrs. Kent had come and taken him away, being satisfied that she had him, as I had heard Mrs. Kent say some time ago that if she heard the child cry, she would come and fetch it. I saw the prisoner for the first time on Saturday, when I came to her sisters' room door to ask if they had taken the child; it was then about a quarter past seven o'clock.

"When I went to the sisters' bedroom door I asked if they had taken Saville, they told me: 'No, they had not seen him, had I been to Mrs. Kent?' I said yes. Miss Constance's bedroom door is quite close to the room where her sisters sleep; whilst I was talking to them I saw the prisoner, she was standing at her own room door. The prisoner was then nearly dressed. I spoke in a loud voice, and she was near enough to hear all that passed. Prisoner made no remark to my recollection. Mr. Kent's family consists of Mr. and Mrs. Kent, Mary Ann, Elizabeth and Constance Emilie, and William Saville Kent. The age of William is fifteen years. The children by the present Mrs. Kent are Mary Amelia Saville Kent, who is five years of age, then the deceased, aged four years, and Emiline Kent, the youngest. No visitors were staying in the house at the time. Mr. Kent's servants living in the house are myself, the cook and housemaid. All these slept in the house on the night of the murder. About a fortnight before the murder the prisoner came home for the holidays. The two Miss Kents slept in one room, the cook and housemaid in another, Miss Constance slept in a room by herself. Master William slept alone, he had come home for his holidays three days before his sister. The prisoner's bedroom door is near to William's room."

Elizabeth Gough was then examined by Mr. Edlin.

In reply to his questions she said: "My age is twenty-three. I have lived in Mr. Kent's service nine months. I have been a domestic servant nearly four years. I first went out to service when nineteen years of age, as nurse, then as lady's-maid, then went to Mr. Kent's as nurse again. During the whole nine months' service I never heard prisoner say anything unkind to deceased. I have never seen her conduct herself otherwise than kindly towards him. I am not aware whether on coming home from school she brought home a little present of a picture for him. I did not hear that he was making bead-rings for prisoner on the night before his death. Miss Constance slept in a room which is between where her two sisters sleep, and where the cook and house-maid sleep. The partition between them is very thin; you can even hear a paper rustling in either room. When I went to inquire of the Misses Kent, the prisoner came to her door. I observed nothing unusual in her manner at the time. Mrs. Kent had never on any previous occasion fetched the little boy while I was sleeping.

"When I went to Mrs. Kent's room the first time it was between a quarter and twenty minutes to seven o'clock. I looked at a timepiece on the nursery mantelpiece as I passed out of the door. There is a little room opening out from my nursery which I use as a dressing- and washing-room, the window of which looks out on to the roof of the dining-room, the level of which is but a very little below that of the window. The water gutter runs along by the side of my dressing-room window. You can easily get out of that window and stand on the leads.

"The youngest child, Emiline, slept in a little cot by the side of my bed. It was one of those which are open

on one side, so that I could pass my hand over it. The cot in which deceased slept was wheeled up to the other side of the room and close against the wall. The window of the nursery is at right angles with the cot, and the windows of the dressing-room immediately faced the cot; deceased's head was to the window. I last saw the little boy in his bed at five minutes past eleven o'clock on Friday night. I first observed he was not there at five o'clock on Saturday morning, when I got up in my own bed to cover over Emiline. I should not have to turn my head round to look into the cot. I knelt up in the bed and then could see him, looking over Emiline's cot. I got up at a quarter past six and then looked into the cot. I was bound to do so. On looking at the cot, I found the counterpane and the sheet above the boy turned down neatly at the foot of the bed, as though they had been put tidy after the boy was taken from it, but not at the pillow. I found my nursery door just on a jar. I am quite sure of that.

"When I got up, I did not dress the little girl, but went to Mrs. Kent's room first and knocked and got no answer. Before I went the first time to Mrs. Kent I read a chapter in the Bible and said my prayers. I don't know either of the daughters of the washerwoman, except by seeing them bring in the clothes, nor do I know anyone in the village. I have no acquaintances."

In reply to questions by the Bench, Elizabeth Gough said: "On the Monday night I went in to sleep with Miss Constance Kent, and there could distinctly hear cook and housemaid talking. When I went to sleep the door was shut, Mrs. Kent came up and shut it. (This refers, of course, to the night of the murder.) It was Mrs. Kent's wish that the door should remain open, that I might hear if the little child should cry

(*i.e.* Mary Amelia, who slept in Mrs. Kent's room, and would be alone until Mrs. Kent went to bed). The window of the dressing-room was shut, and the shutters of it were barred, when I went to bed, and it was in the same state in the morning. I did not miss the blanket from the deceased's cot till it was brought in with the body. The blanket was between the sheet and counterpane, and no one could tell that it was gone unless they stripped the bed. On the Monday and Tuesday nights, after the murder, I went in to sleep with the prisoner at her request. On the Saturday night she slept with her sisters, on the Sunday night by herself."

The next witness was William Nutt, who described himself as a shoemaker. After some discussion over a point in his previous evidence before the magistrates' inquiry, when he seems to have said that Mr. Kent asked him to take part in the search for the missing child, the shoemaker said: "I never heard Mr. Kent's voice that morning. It was my neighbour Joseph Grimnel called at my gate and said Mr. Kent had lost his child. I started from our gate to make further inquiries. I said I should as well look for a dead child as a live one, if it was not in the house. When I found the child I said, 'It is as I predicted.'"

The reason for the shoemaker's pessimistic view is not clear, but he emphasised it in cross-examination. "I first of all went to the cross-roads, towards Mr. Kent's house; I then went into Mr. Kent's lawn with Benger, he saying that no one could be angry with us for looking for a lost child. When we came to the bottom of the lawn, I predicted that we should find a dead child if we could not find a living one. I said that because I could not think that anyone could have stolen a child from a gentleman's house as was said. I

don't recollect this examination being read over to me by Mr. Clarke (the clerk to the magistrates) last week. I won't swear he did not. I won't swear whether this is or is not my signature to my depositions. I did not state last Friday that Mr. Kent came to me and told me of the loss of his child.

" I searched the left side of the lawn first because it was thicker set with shrubs. I went straight from the lower corner to the closet, and the first thing I saw was the pool of blood. I did not then look down the seat, but I said, ' It is as I predicted.' Benger then said, ' Get a light, William,' and I went to the kitchen and asked for a candle of the charwoman. Cook gave me a candle. I took it and went to the closet. Benger was there. I held the candle while he looked down the seat and brought up the blanket, and then said, ' Look here, William,' and he lifted up the child, and I spread the blanket on the floor, while he put it in, and we wrapped it up, and he carried it into the house. I said, ' It was just as I predicted,' as soon as I saw the pool of blood, before I went for the candle. When I went into the kitchen, I saw Miss Kent, Miss Elizabeth and Master William. I have been clerk of the district church for seventeen years."

Why Nutt was called to give evidence rather than Benger, who actually found the body, it is impossible to say. Nutt's very pertinacity in declaring that " It was as he predicted " was skilfully made use of by Mr. Edlin in his cross-examination. Nutt seems to have led the way straight to the closet, and to have evinced no surprise when the body was found there. This, added to his indecision which he showed as to what he had or had not said previously, served at the time to bring suspicion upon him.

The next witness called was Miss Emma Moody, a school friend of Constance. She said: "I live at Warminster with my mother. I was at school with the prisoner at Misses Williams and Scott's, and left for the holidays on the 17th or 18th June."

In reply to the question: "Have you ever heard prisoner give expressions to any feelings towards deceased?" the witness replied: "I believe there was a dislike through jealousy." Upon the question being repeated, the reply was: "I have heard her say that she disliked the child and pinched it; but it was done in fun. She said she liked to tease them, not this one more than the others, the two younger ones. We were talking about the holidays one day when we were walking in Road, near the house, and I said: 'Won't it be nice to go home so shortly?' She said: 'It may be to your home, but mine is different.' I do not remember her exact words, but she also led me to infer that she did not like the children. She gave no reason, except that the second family were much better treated than the first. On several occasions she said this to me. On one occasion we were talking of dress, and she said: 'My mother would not let me have what I liked; if I wanted a brown dress she would make me have black, and the contrary.' I have heard no other conversation, except very slightly referring to the child."

At this point Mr. Edlin interposed. He complained that the witness was being subjected to cross-examination, which was most irregular. The magistrates' clerk was far exceeding his duty, and converting what should be an examination-in-chief into cross-examination. He then proceeded to cross-examine. To his questions witness replied:

"I have been at Misses Williams and Scott's school

for a year and a half. During the last six months prisoner has been a boarder; during the previous three months, a day pupil. During the last half-year the prisoner took home the second prize for good conduct from school. There are between thirty and forty young ladies at the school. I have had conversations with Mr. Whicher. He called at my house and saw me and my mamma. This was, I think, last Wednesday week. He called once at our house and once at Mr. Bailey's, and saw me there. Mrs. Bailey, seeing me in my mother's garden, sent for me and I saw Mr. Whicher. Mr. Bailey lives private, a retired gentleman. I was not surprised to see Mr. Whicher there then; I was surprised to see him at our house the first time. My mother does not visit at Mr. and Mrs. Bailey's. Mr. Whicher questioned me. Mr. Abbot, superintendent of police at Warminster, spoke to me about it."

In reply to a question put by the magistrates at Inspector Whicher's request, the witness said: "When Mr. Whicher called on me first, it was to show me a piece of flannel, the second time it was to serve me with a summons. Mr. Whicher cautioned me to speak the truth wholly, and told me who he was. I know nothing more of the matter."

Dr. Parsons was then called. He said: "I am a surgeon residing at Beckington. On June 30th Master William Kent came to my house about eight o'clock in the morning. On my arrival at his father's house, I found the body of the child in the laundry. He had on his night clothes, which were stained with blood; also there was the soil adhering to the dress. There was the mark of an incision on the left side, through the night-dress, cutting through the cartilages of two ribs. The mouth of the child had a plastic appearance, with the

tongue protruding through the teeth. My impression was that the blackened appearance of the mouth was produced by forcible pressure during life. I examined the interior of the mouth, and found no abrasion or appearance such as would lead me to suppose that anything had been forcibly pushed into it.

"I then saw a large incision in the throat, extending from one ear to the other, and dividing the whole of the structure down to the spine. By order of the coroner I made a post-mortem examination that afternoon. I found all the internal organs of the body completely drained of blood. The stomach was in a healthy state; I saw no reason to suspect the administration of any narcotic or poisonous drug. I found the stab in the chest had not penetrated the heart, but had pushed it out of its place and penetrated the diaphragm, and had slightly wounded the outer coat of the stomach on the right side of it. There were also two very slight incisions on the right hand, which appeared to have been made after death. The rigidity of the body was complete when I saw it first; I suppose it must have been dead at least five hours. I think the incision in the throat, as far as I can judge, was the immediate cause of death. I consider that it must have been made with a long pointed knife. The width was from an inch to an inch and a half in length (?), and there was a slight transverse notch on one side of the wound, as though the knife had been drawn in a contrary direction.

"I accompanied Mr. Foley in a search through the house, and in the course thereof went into Constance Kent's room. I examined her drawers, and the night-cap and night-gown which were on the bed, and the whole of the bedding. The night-dress was perfectly free from any stains. The night-dress was very clean,

but I could not speak as to whether it had on it the dirt resulting from a week's wear or not. I am not certain as to whether I examined the night-dresses of Mr. Kent or either of the Misses Kent or not, as Mr. Foley examined some and I the others. There was nothing in Constance's night-dress that attracted my attention more than it was very clean. I made a remark to Foley upon it."

Cross-examined, Dr. Parsons said: "In my judgment the night-gown *might* (with the emphasis on this word) have been worn a week or nearly so by a young lady sleeping alone. The deceased was a heavy child for its age. I don't know the back staircase. The wound in the chest was made by a knife which was pointed at the end. It would require very great force to inflict such a blow as that through the night-dress and flannel, to that depth. In reference to the heart being pushed aside, the force used by the knife would have caused the flexible ribs to be pushed forward. I examined prisoner Constance's drawers, and I believe I saw a clean night-gown there. Mr. Foley was there also."

Miss Louisa Haverhill, a girl of fifteen, was then called. She said: "My father is a farmer. I was at school at Misses Williams and Scott's school at Beckington, and left on June 15th. I was intimate with the prisoner at school. She has spoken to me of the partiality shown to the younger children by the parents. She spoke of her brother William being obliged to wheel the perambulator for the younger children and that he disliked doing it. They had compared the elder boy with the younger, saying what a much finer child the younger son would be. She never said anything particular about the deceased."

Mr. Edlin refused to cross-examine this witness.

The housemaid, Sarah Cox, was then sworn. She said: "I have been housemaid at Mr. Kent's three months. It is my duty, as housemaid, to fasten the doors and windows at night; the front part, including the drawing-room. The drawing-room door has a bolt at the top. I locked the door and fastened the bolt at the top on June 29th, and went to bed about a quarter to eleven o'clock. On coming down in the morning, I observed the door was unfastened, and of the drawing-room shutters the upper ones were fastened, the lower ones put together. The window was a little way open. It was about a foot up. No force had been used in trying to open it. On going into the room, I observed no marks or disarrangement of any kind, nor any marks on the carpet.

"It was my duty to collect the clothes on the Monday morning. I did so on the Monday after the murder, and as usual I found Miss Constance's clothes, some on the Sunday, some on the Monday morning, some were outside on the landing, some in the room. On the Monday after the murder I found the night-gown of Miss Constance's on the landing. I took the washing to the lumber room and sorted it out, and then went to the Misses Kent and asked them if they would put the numbers in the book. I recollect putting this night-dress in the basket, and having it entered in the book. I recollect it perfectly well. I covered up the basket ready for the washerwoman, and then went to the inquest. This was between ten and eleven in the morning. The lumber-room was unlocked. Mr. and Mrs. Kent, the young ladies, Master William and the cook were in the house while I was gone. I doubt if it would have been easy for anyone to have taken anything out of the basket,

as I put a table-cloth over one and Mrs. Kent's dress over the other. Miss Elizabeth Kent makes up her own bundle, and that I never meddle with.

" I put up three night-dresses by themselves, and one of these was the prisoner's. Prisoner came to the door of the lumber-room and stepped one step inside while I was putting the clothes into the basket. She asked me to look in her side pocket and see if her purse was there. I did so, and told her it was not. She asked me if I would go down and get her a glass of water. I did so, and she followed me to the top of the back stairs, close behind me. When I returned with the water I found her where I had left her. I think I was not gone near a minute. The lumber-room is on the same floor as the nursery. Prisoner drank the water and then went to her own room. On the Tuesday evening I first heard of a missing night-gown. The ladies change their night-gowns once a week. Between my room and the prisoner's there is only a paper wall, I can hear very plain. On the night of the murder I did not wake at all.

" On Saturday, 30th June, I took down a clean night-gown of prisoner's to be aired. I took another clean one of hers to be aired on the Saturday afterwards. I can easily distinguish Miss Constance's night-dress from the others, as it has only plain frills. The dirty night-gown put into the basket on the Monday after the murder would, with those, make the three. I am clear that those three were Miss Constance's bed-gowns. I observed no mark or stain on the one. I put it into the basket; it was only dirtied as it would usually be by Miss Constance in a week.

" During the time I have been in Mr. Kent's service I have never seen or heard from her anything unkind or

unsisterly in her conduct to deceased. There were two unoccupied rooms on the night of the murder on the first floor, and two on the upper floor. The washing-book is sent with the linen, and Miss Kent entered it on the Monday after the murder. On Monday, July 9th, the clothes were not sent to the wash in the regular way to Mrs. Holley, as the washerwoman would not have it, as there was some dispute about the night-dress. I first heard on Tuesday evening, July 3rd, that the washerwoman said the night-dress was missing, and it was said she (Mrs. Holley) must have another sent, or she must speak to the police about it. I told her she had made a mistake, as I was certain I had put three night-dresses in the basket, and one was the prisoner's. I told prisoner of it, who said she was quite sure I had put one of hers in the basket, as she saw me do it. This was why they did not go to Mrs. Holley as usual on July 9th. On the following week, ending July 14th, Miss Constance, in consequence of her night-gown not having gone to the wash, borrowed one from her sister, there being only two of hers in the house, these two being worn between June 30th and July 7th, and July 7th and July 14th. I observed nothing unusual in prisoner's manner or behaviour after the murder, except ordinary grief."

Hester Holley, the washerwoman, then gave her evidence. She said: "I have washed for Mr. Kent's family ever since he has been here till the last three weeks. On the Monday after the murder I went to Mr. Kent's for the washing myself, into the usual room. Cook took one basket and I the other. I then packed it tidy in the basket, and went and called my daughter. It was in the same state as usual; a dress was over one basket. We went straight home and opened it directly,

as we had heard a rumour on Saturday that a night-dress was lost. I did not have the book till Tuesday, it was not enclosed in the basket as usual. I found a night-gown missing, it was Miss Constance's. I sent my daughter on Tuesday evening to Mrs. Kent's, and afterwards went to Mr. Kent, who said if I did not send it back within twenty-four hours he would have me taken up with a special warrant. My house has been searched by the police."

Cross-examined, Mrs. Holley said: "On the Tuesday I went up and got the book and received my money. I did not say anything then about anything being missing. One of my daughters is married to a brother of William Nutt; he is a labourer. A son of mine and my husband live in my house. No one but my daughters assist me in the washing. The police first came to my house on this Tuesday evening; four policemen and the parish constable came, and I was alarmed. It was before I went to Mrs. Kent's about the clothes. They came about the piece of flannel, and not about the bed-gown. I told them the clothes were right by the book. Two things have been missing before, one an old duster, the other an old towel."

Mrs. Holley's evidence is remarkable. How could she have "heard a rumour on Saturday that a night-dress was lost"? The point had not arisen. Dr. Parsons and Mr. Foley had not counted the night-gowns in the house. It does not appear to have struck them to do so. They contented themselves with examining the night-gowns worn on the previous night by the various members of the household. Perhaps, however, the prescient William Nutt, or some other village worthy, had "predicted" that the night-dress worn by the murderer would not be found. Again, if she really expected a

night-dress to be missing, why did she not insist upon checking the washing with the book before she left the house?

Her subsequent conduct, as she related it, is almost as inexplicable. Why did she tell the police that the clothes were right by the book, and how did the question arise, if the errand of the police concerned only the piece of flannel? It would almost seem as though she were trying to render her own testimony valueless, and to bring herself under grave suspicion of theft. Naturally the defence took full advantage of her.

This closed the case for the prosecution. A consultation took place, at the end of which the Bench intimated that no other evidence would be offered.

Mr. Edlin then rose and addressed the Bench. He said: "I think the duty which I have to perform here to-day in this most important case is an exceedingly clear and simple one, and I think, gentlemen, that the duty devolving upon you is not less clear. My duty is to ask that this young lady be instantly liberated and restored to her friends—(applause)—and I apprehend that it will be, as I have said, not only your duty but your pleasure to say 'aye' to that at once.

"There is not one tittle of evidence against this young lady—not one word upon which a finger can be laid to show that she is guilty, nor can the finger of infamy in respect to this matter be pointed against her. I ask you to consider the effect of dragging this young lady from home at such a time, if she is really innocent, as I believe she is. I know that an atrocious murder has been committed, but I am afraid that it has been followed by a judicial murder of a scarcely less atrocious character. I ask you, if this young lady is truly innocent, what will be the consequences of this procedure against

her? If this murder be never discovered—and we know how dark are the paths of crime—it will never, never be forgotten that this young lady was dragged from her home and sent like a common felon, a common vagrant, to Devizes gaol. I say, therefore, that this step ought to have been taken only after the most mature consideration, and after something like tangible evidence, and not upon the fact that a paltry bed-gown was missing—as to which Inspector Whicher knew that it was in the house, and that Mr. Foley examined it with the medical man the day after the murder, together with the young lady's drawers.

"I say that to drag this young lady from her home in such a way and at such a time, when her heart was already harrowed by the death of her dear little brother, and when, more than at any other time, she needed the affectionate sympathy of her family, is quite sufficient to excite in her favour the sympathy of every man in this county, and not only that, but that of every man of unbiassed mind in this land, who has heard—and there are few who have not heard—of this horrible murder. The steps you have taken will be such as to ruin her life—her prospects are already blighted—every hope is gone with regard to this young girl. If she is innocent, as I believe, it is really terrible to contemplate the result to her, and it must be particularly so to gentlemen of feeling like yourselves.

"And where is the evidence? The sole fact—and I am ashamed in this land of liberty and justice to refer to it—is the suspicion of Mr. Whicher, a man eager in pursuit of the murderer, and anxious for the reward which has been offered, and it is upon his suspicion, unsupported by the slightest evidence whatever, that this step has been taken. The simple fact set up as

the groundwork of that suspicion has been cleared up in a manner that must carry conviction, even to demonstration, home to every man in this room who came here with an unprejudiced mind. The prosecution's own witnesses have cleared up the point about the bed-gowns; but because the washerwoman says that a certain bed-gown was not sent to her, you are asked to jump to the conclusion that it was not carried away in the clothes basket. But there can be no doubt in the mind of any person that the right number of bed-gowns has been fully accounted for, and that this little peg upon which you seek to hang this fearful crime has fallen to the ground. It rested on the *ipse dixit* of the washerwoman only, and against that you have the testimony of several other witnesses.

"No application either has been made for a remand by the prosecution, and I therefore ask whether your duty to your Sovereign and as custodians of the peace of this county will justify you in keeping the young lady in custody for a single moment longer? Let me not be misunderstood. I do not mean to find fault with Mr. Whicher unnecessarily; but I think in the present instance his professional eagerness in the pursuit of the criminal has led him to take a most unprecedented course to prove a motive, and I cannot help alluding to the meanness—I say the ineffable meanness, I may say the discredit, and I was about to say the disgrace, but I do not wish to say anything that shall leave an unfavourable impression hereafter;—but I will say the ineffable discredit with which he has hunted up two schoolfellows and brought them here to give the evidence we have heard. Let the responsibility and disgrace of such a proceeding rest upon those who have brought the witnesses here!

"But what does this evidence amount to? Nothing whatever; there is not a single word pointing to any animus on the part of the young lady towards her little brother. Was there anything strange that, in the unlimited confidence of school children, she should speak of her stepmother, and say that the younger children were preferred by her? If that were set up against any other person having a stepmother, it would be thought rash and unkind. Where is the stepmother who will not prefer her own children to those of the former wife? But because the conduct of the stepmother formed a subject of conversation between these schoolfellows, you are asked, therefore, to find in it a motive which would induce this young lady to imbrue her hands in the blood of this dear little boy. Every fact in the case, on the contrary, not only rebuts the presumption of guilt on her part, but is consistent with the purest innocence. I feel, and every Englishman must feel, that the young lady ought never to have been taken from her home, that she never ought to have been consigned to gaol, and that she never ought to have been sitting where she is, confronted by these accusers upon this charge. A more unjust, a more improper, a more improbable case—having regard to the facts elicited in evidence—was never brought before any court of justice in any place, as far as I know, upon a charge of this serious nature, and seeking, as it does, to fix that charge upon a young lady in the position of life of Miss Constance Kent.

"With these few remarks I think I have discharged my duty. Ask yourselves, what is yours? Let me respectfully draw attention to what it is. If, upon reading the evidence, you think that guilt is brought home, if not conclusively, at all events in a *prima facie* manner, to Miss Constance, your duty will be to let

the matter come before you for further investigation. But if you regard all the consequences, and consider that for nearly a whole fortnight Mr. Whicher has been engaged in the investigation, and has not succeeded in finding any one fact authorising you to say that this young lady is guilty any more than any other person who has been called before you to-day, I am sure that you will order her discharge. On you will rest the responsibility of sending this young lady back to gaol, and I ask you to pause before you take such a step; for, if you do this, I believe you will have great difficulty in reconciling it to your consciences hereafter.

"You are bound to set aside all preconceived notions, and look at the evidence, and that only, and if you have not abundant reason for retaining her, your duty is to discharge this young lady immediately. What Mr. Parsons said is well worthy of your attention in guiding you to a conclusion as to the simple probability of this young lady having committed this frightful murder. The boy, he says, was unusually heavy for his age, and he expressly states that it must have required a blow of great force to have pierced through the night-dress and flannel, and penetrated to the depth of the wound found on the body of the deceased child. Is it likely that the weak hand of this young girl, as she held the child with the other arm, can have inflicted that dreadful blow? Is it likely that hers was the arm which nearly severed the head from the body? It is perfectly incredible.

"And then with regard to her manner on the following morning, which we have seen exhibited nothing which distinguished her from her sisters and the other members of the family sharing the common grief. And we have the important testimony of Mr. Parsons as to the state in which he found her night-dress, free from any stain

or mark indicating a participation in the hideous deed; and as to the fact, too, that according to his belief, there was a clean night-dress in the drawer, which, together with the one returned from the wash that week and afterwards brought up, would complete the proper number, according to her own list, in her own handwriting, preserved in her own chest of drawers.

"It is true that Mr. Parsons expresses only his belief that he saw the clean night-dress in the drawer, but he says that Superintendent Foley also examined her linen on that morning—he is here in Court, and although he has not been called on this inquiry, it is known to you that such also is his belief. And really this is tantamount to satisfactory proof that it was there, because, had it not been there, the circumstance must have inevitably attracted their attention at the time; and then the two clean night-dresses are shown to have been subsequently aired.

"It were idle therefore to dwell upon what the washerwoman has told us, or to hold it as entitled to any weight. She admits that she told a falsehood to the policemen, and the story of her having searched the basket on the Monday, five minutes after she had taken it home, for that which she says was missing, before she had ever seen the book, but which no one else had ever heard was missing until she sent up to the house to say so on the evening of the following day, is so improbable, so utterly inconsistent and irreconcilable with the other undisputed facts in the case, that it ought not to weigh with you for one single moment; still less ought it to lead your minds by some forced and unintelligible chain of reasoning to the fearful conclusion—or call it the fearful suspicion—that the owner of that night-dress committed this barbarous murder.

"There are no facts to justify this charge, there is no proof of motive. The first step taken in this case, in the absence of any legal adviser of the accused, it would be difficult to justify. Let me ask you to pause before you follow it up by another which would be still more unjustifiable and may expose you to the grave accusation of having very far exceeded the duties devolving upon you, and which, I really believe, you are sincerely anxious rightly to perform. It would, indeed, astonish any judge to be told, on reading the examination taken last Friday and to-day, that this young lady had been, thereupon, sent to gaol charged with having murdered her brother. Terrible and even fatal to her may even now be the consequence of what has been so hastily and imprudently done in this momentous affair. I pray you not to aggravate it. I call upon you in the interests not of humanity only, but of clear and simple justice, to detain her not one moment longer in custody, but to liberate her, and restore her to that home from which she ought never to have been taken."

At the conclusion of Mr. Edlin's speech the Court was closed. A quarter of an hour later the doors were again thrown open, and the chairman of the Bench announced that the magistrates had decided to release the prisoner, on her father becoming bound for her in £200 to appear when called upon. This announcement was received with loud and vociferous enthusiasm. Public opinion, which had at one time been very unfavourable towards Constance Kent, had now swung entirely round, and she was regarded as something of a martyr. This, no doubt, was largely the effect of Mr. Edlin's speech, so admirably framed to appeal to local magistrates and local feeling. The Bench could not be expected to be expert in sifting evidence, and local

pride was glad of the excuse for rejecting a solution found by a stranger from London.

The scene in Court during the hearing of the case is vividly described by the *Journal*. "The scene in Court during the progress of the case, and especially while Mr. Edlin's speech was being delivered, was one of intense interest and excitement. The platform was occupied by the adjudicating and visiting magistrates, Detectives Whicher and Williamson, Captain Meredith, Superintendent Wolfe, and Mr. Clark, the clerk to the Trowbridge magistrates, the latter gentleman taking the initiative in the examination of the witnesses, who took their places immediately in front of the chairman. . . .

"In front of the platform were two tables, at one of which the magistrates' clerk's clerk was seated, at the other was Mr. Dunn, defendant's solicitor, and Mr. Kent. The latter gentleman remained with his head resting on his hand, his arm being on the table, during the whole proceedings, and appeared to be suffering great mental anguish. Mr. Edlin sat in front, his glaring eye, distinct utterance and somewhat cadaverous expression of countenance being marked features of the scene.

"Opposite the chairman, and next to her solicitor, sat the prisoner. She was neatly attired in deep black, a crêpe veil hiding her face from view. She sat with her head bent forward, and during the examination neither moved nor spoke. The events of the past month had evidently told severely upon her, for in her thin pale face we should scarcely have recognised the robust, deep-complexioned girl of five weeks ago. The same singularly forbidding cast of countenance, however, characterised her features.

"Three rows of reporters stretched across the room;

behind them the remainder of the space was crammed with a surging, noisy mass of spectators, who had fought their way into the room and stood or were held upright by one another with great pertinacity. Many of these had travelled long distances to be present. The contour of the scene was powerfully affecting, and when the poor creature who was accused of so dread a crime fell into her father's arms and kissed him, a sensation was produced which had a most marked effect on the feelings of the crowd during the whole day."

The speech for the defence seems to have carried the Court off its feet, but more mature consideration showed up its weak points. The following extract from the *Journal*, written a week after the event, may be taken as voicing the opinion of those who knew most about the circumstances.

" The course adopted by Mr. Edlin in defence of the prisoner was one which does the greatest credit to his legal astuteness and knowledge of the parties with whom he had to deal. Without approaching perhaps to the bullying process so frequently resorted to, he succeeded in establishing his supremacy over the whole Court; his will appeared to be law; his dictum was calmly submitted to, and indeed it was not until the presiding magistrate, Mr. Ludlow, took the examinations in chief into his own hands, that even a comparative freedom from interruption was experienced. It is greatly to be regretted that the magistrates had not secured the services of some professional gentleman, whose peculiar abilities might have better fitted him to cope with Mr. Edlin than did Mr. Clark, although we would not for one moment disparage the prudent watchfulness and self-control evinced by the latter gentleman. While we would advocate the strictest possible justice for all

persons accused, yet it is hardly seemly that the terror of defendant's counsel should so strongly fall upon the authorities.

"We confess that for our own part we appear to have been less susceptible of the all-prevailing influence of Mr. Edlin's eloquence than were the great majority of our contemporaries. Whether it is owing to intenser obtuseness, or to the less control of our feelings over our judgment, we afford our readers to-day an opportunity of judging, but certainly we cannot sympathise with the great outcry which has been so unanimously raised both by the Press and the public as to the terrible and unjust punishment which has fallen on Constance Kent in her apprehension and lodgment in Devizes gaol. Strange that no drop from this shower of virtuous indignation should have fallen for the nursemaid, whose detention was equally long and severe, while her acts were far less suspicious. We cannot but approve most heartily the course adopted by Mr. Whicher and sanctioned by the Bench. So far from Constance Kent's apprehension being a punishment, we regard it as a course fraught with advantage to her own position.

"Previous to Mr. Whicher's arrival, the greatest suspicion lay in the public mind with regard to her. On all hands her guilt or innocence was freely debated, and of this her arrest was not a cause but a consequence. Had she continued at liberty that suspicion would still have clung to her, would have been increased indeed by the prejudice arising from the reluctance of the police to seize one of the family because, it would have been urged, of her position. Now, however, she is freed from this disability; she has attained this advantage, she can say to all the world: 'I have been suspected of a murder; I have been arrested, I have been discharged.

The most intelligent detective officer in the kingdom and his assistants have, after a fortnight's inquiry, failed to substantiate a single fact proving my complicity in the crime.'

"Surely this is preferable to a lingering continuous suspicion; presuming her to be innocent, her detention at Devizes, not 'as a common felon,' but supplied with bedding and food of her own choice, was not more terrible than to be abroad, knowing full well that every eye she met charged home to her the murder of her brother. Moreover, in extraordinary crimes such as this, extraordinary expedients must be resorted to. The temporary detention of this girl is not to be compared in importance with even a probability of ferreting out the murderer; and Mr. Whicher might have been actuated by the idea that while Constance remained sleeping at her father's house, the household would be deterred by personal fear from giving evidence against her.

"The responsibility also was not his alone: it was shared by the Bench of magistrates who granted the warrant for her arrest, and remanded her for a week; and if his reasonable expectations were disappointed, and his plans baffled, he ought not to be exposed to the merciless censure to which he has been subject, but for which, doubtless, he cares not one whit. The difficulties he has had to contend with have been great. Arriving at the scene a fortnight after the crime was committed, when ample time had been allowed for the destruction of the evidences of guilt, we fear he was met with some degree of coldness and jealousy on the part of some of those who should have been his coadjutors, and has not had afforded to him that cordial assistance which he had a right to expect."

This, coming from an observer actually on the scene, and appearing in a paper which one would have expected to sympathise with the local police rather than with Inspector Whicher, is a very striking justification of the latter. The article from which it is an extract appeared on August 4th, when the agitation against Whicher was at its highest. The London newspapers were almost unanimous in condemning him, accusing him of exceeding his duty and of bungling the whole case. The attack upon Whicher has been mentioned in a previous chapter. It is remarkable that his defence should have been undertaken upon the very scene of the crime, and it is a tribute to the impartiality and long-sightedness of the *Journal*, which contrived to keep on the right track in the very heart of the ferment. The further comments of this paper on the evidence are worth reproducing, bearing in mind the fact that the *Journal* has access to information denied to the remainder of the Press.

"What has been the result of the investigation hitherto? Constance Kent is discharged, but without one word of regret from the magistrates for any error into which it may have been supposed they had been led—bound, too, in a £200 bond again to appear if called upon. Mr. Edlin was perfectly correct in saying that nothing had been adduced which was not compatible with the purest innocence; but the reverse is true also: nothing was brought forward incompatible with her guilt.

"We could not for a moment assert or insinuate her guilt; by all means let her have the full benefit of the want of proof; but we do protest against so uncalled-for a hue and cry as has been raised on her behalf. By a species of most ingenious bamboozling, Mr. Edlin seconded what may have been a cunning trick, and

thus demonstrated to all surface-thinkers that all three of Constance's bed-gowns were really inspected the day after the murder by the police. The mode in which two may be made into three was not on Friday shown, but it is worked out in the minds of the police with great clearness. The night-dress which was taken away for examination by Mr. Foley belonged, not to Constance, but to Miss Kent, and because a dress was taken downstairs to be aired, it does not follow that it must have been worn the succeeding night.

" The episode of the glass of water is a singular one. Girls do not ordinarily drink water immediately after breakfast, nor is it natural to send a servant downstairs for it when busily engaged, and when hastening to attend an inquest. The washerwoman, Holley, has maintained an untarnished reputation for twenty years; no possible motive can be suggested for her purloining the bed-gown. The loss of her best employer was inevitable and has resulted, and she even went so far as to prevaricate, to screen the family from suspicion till she had had the opportunity of communicating with them. Either Constance Kent purposely withdrew the bed-gown herself, or she is the victim of an artful and devilish conspiracy.

" In the opinion of those best able to judge, Mr. Kent is cleared of suspicion. We are informed by the defendant's solicitor that before the Court rose last Friday, Mr. Whicher expressed to the father and to himself his willingness to state publicly that his doubts on this point were entirely removed. This was declined by Mr. Kent for prudential reasons."

But, in spite of this, public opinion continued to regard Mr. Kent with the deepest suspicion, and he became the object of a most extraordinary campaign of

calumny, as will be seen later. With the discharge of Constance Kent, the responsibility for the murder was held to lie, so far as the inmates of the house were concerned, with Mr. Kent or the nurse, Elizabeth Gough. But at the same time the discredited theory that the murderer might have been some hitherto concealed individual began to regain favour. The crime continued to be the subject of speculation, especially in the Press. Throughout the whole country the papers devoted column after column to the wildest speculation. Gradually the theory that the murder might have been committed by some person, either concealed within the house on the Friday night, or having obtained admission to it during the night, began to attract adherents. Had this person an accomplice within the house? That these questions were debated explains many of the incidents which were to follow.

CHAPTER V

Inspector Whicher left the neighbourhood shortly after the conclusion of the inquiry, and the case was once more left in the hands of the local police, who, according to the *Journal*, "having the ground clear for their unaided exertions, are putting forth efforts with a degree of energy most praiseworthy. Captain Meredith, the chief of the Wilts police, has assumed the direction of affairs, whilst Superintendents Foley and Wolfe are the actual workers. Learning wisdom by experience, however, their movements are conducted with prudent quietness and privacy, and but little is allowed to transpire as to their mode of operation."

But, in spite of this, the *Journal* was able to give its readers a fairly comprehensive idea of what was going on. "Acting on a suggestion of Mr. Kent, Mr. Wolfe on Monday (August 6th) paid a visit to Bath, and traced out the nursemaid who filled that situation at Road Hill House previous to Elizabeth Gough. As might be anticipated, she was found to have had no sort of connection with the crime. At the beginning of the week also, in accordance with an order obtained by the police from the Home Office, the body of the deceased boy was exhumed, in the anticipation, or at least hope, of finding the missing night-dress concealed in it. It is needless to say it was not found."

This is one of the most extraordinary incidents in the whole story of this amazing case. It being impossible to believe that even Superintendent Foley could have

expected to find the night-dress inside the body—unless, indeed, he had formed the theory that Dr. Parsons had absent-mindedly put it there at the conclusion of his post-mortem—we must suppose that the *Journal* meant to say "concealed in the coffin." An ingenious idea certainly, but highly improbable. It is difficult to see how a night-dress, already known to be missing, could have been secreted in the coffin without a certainty of the discovery by the undertaker, if by nobody else. There were many other far more likely ways of disposing of it which were apparently never suspected.

"Since then other inquiries have been jealousy prosecuted, and although the basis of the hope is wholly concealed, yet it is very evident that the Wiltshire police are much more sanguine at the present moment of the ultimate discovery of the murderer or murderess than at any other former period of the examination, and that, too, without any great alteration as to the object of the suspicion."

In other words, the local police had come to the conclusion that Inspector Whicher, in spite of the abuse which had been heaped upon him, had been on the right track, and that he had failed to prove his case only through lack of evidence. In this they saw their chance. If they could hit upon the missing evidence, and, in particular, if it should take the form of a blood-stained night-dress belonging to Constance Kent, they would get all the credit of the conviction. It is difficult to avoid the suspicion that they waited until Whicher was out of the way before throwing themselves heart and soul into the search. Their theory as to the night-dress is contained in a further inspired extract in the *Journal*.

"One great clue to the discovery must always remain unravelled until the mystery of the missing night-dress is

cleared up. It is absolutely incredible that by an accident it could have been mislaid. A night-dress belonging to Constance Kent was abstracted from the washing basket either after it had been covered up and placed ready for the wash, or immediately before. It could not possibly have fallen out in the transit to the washerwoman's; it could not accidentally have been overlooked by her and her daughters on their examination of the clothes. It is thus demonstrated that it must have been abstracted by someone of the Kent household, or it was detained as the result of a conspiracy between Hester Holley and her daughters. Is the latter hypothesis probable? The woman has long borne an excellent character for integrity and accuracy; she has lost the washing of the family—some seven or eight shillings per week—she has thrown suspicion on herself, and incriminated some of a family which she was apparently most anxious to shield, all of which she could plainly foresee. She could hope to gain nothing pecuniarily, and the idea which has been mooted as to Nutt's relationship to her having anything to do with it is far too absurd to be entertained for a moment by anyone acquainted with the parties. The missing night-dress was obviously abstracted for the purpose of either exculpating or incriminating Constance. Which?

"The efforts of Mr. Edlin to obscure the night-dress affair have been unsuccessful, now that the mist of his eloquence has somewhat blown off. The theory of the prosecution relative to it has never yet been clearly stated in print, but we will attempt it now. Constance Kent had three night-gowns on the night of the murder—A and B in her drawers (not one at the wash, as has been said) and night-gown C in wear. Supposing that it was wished on the Friday night to destroy the night-gown C, night-gown B could be taken into wear and worn until

next day, and could then be inspected by Mr. Foley and Mr. Parsons and would present the appearance of being 'very clean, not having even the starch out of it.' A would still be in the drawer. Then on Monday let B be put out to be washed, and A put on the bed to wear. Then let B be brought back from the washing basket to the bed, and A put back in the drawer. Night-gown C would then appear to be missing at the wash. This is not inconsistent with an apparently clean night-dress being taken down to be aired both on Saturday June 30th and on Saturday July 7th. This, be it remembered, is only theory, first propounded by Inspector Whicher, and now adopted somewhat reluctantly perhaps by the local police.

"If Mr. Edlin, instead of indulging in specious mystification of this matter, had turned his attention to another branch of the question, he might perhaps have been more successful. For instance, how do we know that Constance Kent had three night-gowns? By an inventory of her clothes in her own hand-writing, in her own possession, which, had she been so minded, she could most easily have destroyed. Again, people who have committed great crimes are usually and properly suspicious of themselves revealing what they wish to conceal in their sleep. Had she been guilty, would not Constance have preferred to sleep in a room by herself, the door of which she could lock, and in which she could satisfy herself no listener was concealed? Instead of which she sleeps, one night with the nursemaid, another with her sisters. One who had 'nerve' enough to commit so horrible a murder, too, would scarcely be so 'nervous' as to desire companionship at night. It is possible that a night-dress might have been stained otherwise than criminally, and that out of a misdirected desire

to screen herself from suspicion, or a false delicacy, she made away with it in the manner imagined.

"An elaborate theory has been woven out of the nursemaid's supposed attachment to some military friend at the depôt at her native place, Isleworth. It is presumed that this fabulous individual, on coming to pay her his addresses at Mr. Kent's house, chose the night as the time, and a ladder, the flat leads and the nursery window as the mode of his entrance, and that then being perceived by the child, who is imagined to have awaked, to be where he ought not to have been, and being afraid of disclosure, he placed a hand over the boy's mouth to prevent him crying out, so that he fainted away, being weakened by a calomel pill taken the night previously. Thinking the child dead, and alarmed at what he had done, the 'friend' was then let out of the nursery window to complete what he had begun. A very ingenious fiction, this, but purely fictitious, and we can only account for the hold it has taken on some people's minds by the fact that it is the most humane method of accounting for the death.

"A moment's consideration demonstrates its falsity. No stranger was observed about that quiet neighbourhood near the time, the dog did not bark as at a stranger he would have assuredly done, the child was not first stifled, or the body would not have been drained of blood so completely as it was; the deceased was apparently killed in his sleep and could not therefore have seen a stranger; the friend might with vastly, greater care have been hidden under the bed had the child's cries attracted attention; and no crying from the child was heard by anyone in the house. But notwithstanding all this, the absurd rumour has secured some credence."

As a matter of fact, nearly every newspaper of the day

had its own pet theory, more or less ingenious. The *Globe* found a clue in the almost uncanny predictions of William Nutt and his relationship to Mrs. Holley. Besides, he was a shoemaker, and the wounds found on the child's body might have been inflicted with a shoemaker's knife. However, the reporter of the *Journal*, who actually saw the body, declares that "No shoemaker's knife we have ever seen would have made such a clean wound, five or six inches deep, as the one on the deceased's chest."

The natural corollary to the theory that Elizabeth Gough had a 'friend' responsible for the murder was that this friend did not require to be admitted into the house, since he was already under its roof. Inspector Whicher was still the target for a storm of criticism, and his alleged belief in Mr. Kent's innocence was in itself sufficient to predispose many people in favour of the latter's guilt. Upon only one thing were all opinions united; that hitherto the conduct of the case had been hopelessly inefficient. Again we may quote the *Journal*.

"That Mr. Whicher's zeal went beyond his discretion is a mild charge compared with the abuse which the Press has almost unanimously flung upon him, abuse so virulent and unfounded that no public officer who conscientiously discharged his duty should be permitted to suffer it. He adopted that course only which the nature of the case dictated, which the magistrates sanctioned, and which was required in order to obtain that evidence which he was justified in seeking and in expecting to obtain. That it was intended as an intimidation or an inducement to confession is monstrously untrue. It is understood that very considerable unpleasantness exists in Mr. Kent's household between the nurse and the family, the former being apparently treated with suspicion. The house and

all its inmates are still watched by the police. A neighbouring County Court Judge (obviously an expert in the detection of crime !) who visited the premises on Monday (July 2nd) is said to have expressed the opinion that the assassin did not return to the house.

" Now is the time that the inquiry should be renewed in earnest. The coroner's inquest was rendered worse than useless through weak and imbecile management and rash haste. The vigilant endeavours of Mr. Whicher were thwarted by delay in his arrival and other occurrences which we need not to-day recapitulate. The professional zeal of Mr. Edlin balked the ends of justice in the public Court of the magistrates. Now let a Royal Commission of competent persons, in one of the many shapes that have been suggested, be empowered to sift out the mysteries of this demoniacal crime, and we yet have hope that the honour of our county in the matter may be retrieved and justice cease to be cheated of its lawful victim."

But to return for the present to Mr. Kent. Before the appearance of Inspector Whicher on the scene, an article in so responsible a paper as *The Times* had pointed strongly to him as the guilty person. During the ensuing weeks this suggestion was re-echoed in many quarters, but it was left to the *Bath Chronicle* to frame these suspicions in explicit form. The article is worth quoting in full, since it voices a widely-held opinion.

" It appears to be irrefragably proved that the murder of this unhappy child was committed by someone in the house. Now, was that person an habitual dweller in the house or a stealthy visitor, whose visits were made possible and safe by another person, until an accident deprived them of safety ? In either case, suppose that those visits were made with impure objects. Suppose that the girl Gough

was the object of these visits, and that no greater crime attaches to her in the first instance than that she was not stronger than thousands of her sex to resist temptation. Now we proceed upon the supposition, no very violent one, that a menial servant might have had an intrigue. We do not, of course, assert that such was the case, as in the absence of proof no one has the right to make such an assertion, but it is assuredly not overstepping our duty to suggest that so very common an incident of domestic life might have taken place in the house of Mr. Kent. In whose house has such an incident not taken place, during any long experience of housekeeping ?

" We now come to the graver question. If this girl had an intrigue, who was the *particeps criminis ?* Was he a person to whom exposure would have been so terrible that it seemed to him worth while to prevent it by the most hideous of crimes ? Such would hardly have been the case had the person been of the ordinary class among whom servant girls find their lovers. Were he a servant in the house, a labourer engaged outside it, a profligate young agriculturist, or any similar chance connection, the worst that he could expect from exposure would be the loss of a place or character, and some disagreeable treatment from his superior or employers. Had there been a young gentleman in the family and he had been the seducer or the seduced, as too often happens, it is not such disgrace or punishment as falls upon such an offender that would drive him to a horrid crime. His nature and his age would forbid such a result. But there is no suggestion of the kind.

" If the hypothesis that a girl had an illicit intrigue, and that the other party to that intrigue preferred murder to exposure be well founded, we must unhappily endeavour to find someone to whom such exposure would have been

ruin, or at all events would have produced a state of things so terrible to himself that in a moment of wild terror he seized the most dreadful means of avoiding it. Who is there to whom such terms would at all apply? Be him in existence or not, let us to suppose him to have paid a nocturnal visit to the partner in the wrong, and to have lingered so long that the dawning light of a June morning revealed him to the wondering eyes of an awakened child; that the mingled feelings of the moment rushed upon him at a time when we are all prone to give way to foolish promptings, namely, at that strange, pale hour of morning when we have all the power of thought, almost painfully vivid, but are without the same will and wise resolution which come when we arise and buckle ourselves to the duties of the day. Few readers who have cares and troubles but will testify to the fact that the earliest hour of the day is not one of wisdom and strength. All our troubles and errors come upon us in full force, and we are not braced to meet the flood. We feel helpless and feeble, and gladly relax into slumber, and seek the completion of our rest. Roused into sudden action by a painful necessity at such a moment, few of us would perhaps behave as well as when later, 'sitting and clothed in a right mind,' we encounter the day. What would the effect of that hour be to a man who was guilty, meanly guilty, and was suddenly convinced that in an hour or two an innocent voice that could not be silenced would proclaim him guilty? *That could not be silenced.* A weak, bad, terrified, violent man sees a child between him and ruin—and the fearful deed is madly done.

"There is an hypothesis, and it is at least more tenable than many of the solutions that have as yet been proposed. Let it be thought over by those in whose hands the matter rests. Let them also consider, in connection

with the stages at which these subsequent points fasten themselves upon the story we have sketched out, the following questions:—How the statement of the nurse, that she supposed the child had cried, and therefore that the mother had removed it, can be received as worth anything? Is a mother at a distance more likely to hear a child cry than the nurse at its side? Is this an excuse which would have occurred to an experienced nursemaid, except in the flurry of having to concoct a story at short notice? Finally—and if we shrink from placing the case in the plainest words upon paper it is not because we have the least doubt as to its being most meet and right to do so, but because it is naturally repugnant to human nature to suggest so terrible a charge—has due thought been given to the conduct of the only person to whom, as it seems to us, the hypothesis we have shadowed out could apply?

"A child is lost from its bedroom, not an exposed one, but upstairs in the *penetralia* of the mansion, at an hour when no visitor from outside can have approached the room, and a man, to whom that child should have been most dear, a man who should be most intense and practical in his researches after it, adopts the frivolous, novel-reader's idea that the child has been stolen by gypsies! Had he said that it had been flown away with by angels, the suggestion, under the circumstances, could not have been more ridiculous. But with this folly in hand he rushes off to Trowbridge. It is irrational to suppose that, in the state of mind in which the person would be who has been described as the possible criminal, the scouring away from the scene, the avoiding of the being present at the discovery, the obtaining time to prepare a manifestation of surprise and grief, might have been demonstrations easily connecting themselves with the

other symptoms of the case? Far be it from us to accuse, but equally far from us to be the cowardice of refusing to point out how an act of accusation might be framed, and how—save that a highly wrought colour would be given to it by a French official—such an act would long since have been framed had the terrible event happened in France. We deem it our duty to lay these considerations before the public, and we believe that public opinion is strongly in favour of their receiving attention from those engaged in investigating the crime at Road."

It was at this juncture, when suspicion was centring more and more round Mr. Kent, that an event occurred which diverted attention to an entirely new quarter. The possibility that the murderer was someone wholly unconnected with the household had never been abandoned. Several cases had occurred of attention being drawn to various individuals in the neighbourhood, whose actions seemed to be in some way suspicious. The whole country was following the progress of the case with the deepest interest, and, in these circumstances, suspicion was generated where normally no notice would have been taken of the particular incident arousing it. For instance, in the first week in August one of the Bristol papers published the following letter:

"Sir,—On going to the Artillery Ground on Thursday morning (July 26th), I called in at the Star Coffee House, Oldmarket Street; the landlady was reading in a paper about the Road murder, when she came over to me and my friend, and told us of the enclosed, which took place a few days after the murder; and after the man was gone they suspected whether he might have anything to do with it. I send you the enclosed, thinking it may be of some little service. A young man called and asked for a night's lodging. The servant told him he could have one,

so he left a bundle, and then went out some time after; the servant passed by where the bundle lay, and it smelled so bad that she called the attention of her mistress to it, and they opened the bundle, and discovered a suit of clothes completely saturated with blood. They at once communicated the circumstance to Mr. Richards, the proprietor, but he took little notice of it. The young man returned about half-past ten at night, and, seeing a few persons inside taking refreshments, he would not come in, and went away; he then returned in about half an hour, and still seeing one or more persons there, would not come in, and went away again. At last, when they were all gone, he came in, and on Mr. Richard's asking him where the blood came from, he replied, 'from his nose.' Mr. Richards told him he could not supply him with a bed, and he went his way."

It was certainly curious that a man, however innocent of any crime, should carry about with him a bundle of clothes "completely saturated with blood." However, the incident occurred long before any mention of it was made, and by then there was no possibility of tracing the young man. Such intangible clues were not uncommonly reported at the time. But a tremendous sensation was produced early in August by what appeared for the moment to be a genuine confession.

On Friday morning, August 10th, a man came up to Sergeant Roper, a member of the North-Western Railway police, stationed at Wolverton railway station in Buckinghamshire. The man was dressed in an ordinary workman's suit, was perfectly sober, and appeared to be quite calm and collected. He began to talk to the sergeant, and asked him if he knew anything about the Road murder. Roper replied that in common with everybody else in England he had read about it, and asked

the man what he knew about it. To this question he received the astonishing reply: "It was I did it."

Although somewhat taken aback, Sergeant Roper's training was equal to the emergency. "Then I must detain you, and take you into custody," he said. To which the man replied: "That was my object in coming here; I came to give myself up to be taken; I was promised money for it and never got any."

That a man should select Wolverton station, eighty-five miles from the scene of the crime, and in an entirely different part of the country, for his act of surrender did not appear strange to anybody. His words were, "That was my object in coming here." Even at this stage it would have been easy to guess that he had not the remotest idea where Road actually was, and imagined that it was somewhere near Wolverton. (As a matter of fact, there is a village of Roade in Northamptonshire, and the man may have confused the two.) However, Roper obtained assistance, and in a few hours the prisoner found himself at Stony Stratford, and was there brought before a magistrate, the Rev. J. H. Barton.

The first witness was Henry Goodson, who said: "I am one of the constables on the London and North-Western Railway, and am also one of the constables of Wolverton. About a quarter before twelve o'clock this day I received the prisoner from Sergeant Roper, and took him to my own house and searched him, and found upon him a mason's pocket-book and a rule. I said nothing to induce him to make any statement or confession to me. After he had been in my custody a short time he said: 'My life is a burden to me; I have given myself up to you; I did the deed. Those things which you have in your possession I should like my mother to have after I am executed; I want things kept as quiet as

they possibly can; I hope my friends will know nothing about it until after I am executed.'

"I afterwards saw a spot of blood or two on his trousers. He said: 'Yes, that is human blood; I committed the murder at Road; money was the cause of this; they agreed to give me a sovereign, and they gave me as much as this,' holding up his empty hand. He drew a very deep sigh after making this statement. I then brought him to Stony Stratford lock-up, in the charge of Sergeant Royle."

Samuel Royle was next called. He said: "I am one of the rural police of the county of Buckingham. About ten o'clock this morning(?) the prisoner was given into my custody at Stony Stratford lock-up by the last witness. I asked him his name, to be able to enter it in my charge-book. He said it was Edmund John. I asked him if he had any other name beside Edmund John, and he said: 'Yes. I must not tell you my surname until the job is all over. I committed the murder at Road, and I shall leave my name in writing before I die. I am so uneasy in my mind I cannot rest: I wish the time was over. Money has been my ruin; I was promised some money and never got any for it.'

"He said that he was thirty years of age, that he belonged to London, and was a bricklayer by trade; also that his wife and three children were living in London. A short time after he had his dinner he said to me: 'Do you think they can try Miss Constance Kent again?' He also said: 'Before I die I should like to have a sheet or two of paper, and I'll leave all behind, and they'll know all about it. I hope my wife will not know about it; it will break her heart.' These last observations he made between two and three o'clock. He said he never worked at Road, but went there to seek work; after the

job was over, he walked day and night until he got to London. He thought when he got to London he should be better, but he was so unhappy he could not rest. He then gave me an account of his journey from London to Leicester and Leicester to Wolverton, and added that the finger of God was against him, so that he could not get work anywhere. He begged hard that he might not be handcuffed, and said that he would go with anybody to any place—to Road or anywhere else. As far as I could judge the conduct of the prisoner was that of a man in a sound state of mind."

After this evidence the prisoner was remanded to Trowbridge, being taken there by train on Saturday, August 11th. The representative of the *Journal*, who travelled by the same train, describes the journey. "The excitement which prevailed at all the stations and towns on his course was immense, and as from town to town the electric wire flashed out the news that the murderer was taken, the interest was intense, and the stories which were invented out of the bare fact were innumerable. On nearing this part of the country the prevalent excitement increased, and hundreds of people awaited his arrival at Trowbridge, and escorted him to the police station. There he was immediately brought before the magistrates: W. Stancomb, Esq., and J. Sinkins, Esq., of Frome, being present. After a private examination the prisoner was remanded till Monday (August 13th).

"The prisoner is a short, stocky man attired as a working mason, with a florid complexion and a large head, singularly flat at the crown. He complained of headache greatly, and refused any food. Trowbridge was on Saturday night and Sunday visited by a large number of the members of the Press, anxious to learn the authentic statement of so extraordinary a man."

But it soon leaked out that the private examination on the Saturday had, to say the least of it, established the improbability of this mysterious individual being the murderer. On the Monday afternoon he was again brought up before the magistrates, but, in the words of the *Journal*, although the Court was crowded, "the excitement had greatly abated, owing to the opinion that, whatever his object might have been, he at least was not the murderer."

The prisoner refused to give his name. The warrant for his detention and the depositions of the witnesses at Stony Stratford were read over to him, whereupon he denied that he had ever said anything about money, and said that he could prove that he was miles away from Road at the time of the murder. This happened to be true, but since there was no means of deciding which of his statements were true, and which false, there was no option but to continue the examination. The record of it is interesting, as affording an insight into the mentality of those who confess to a crime which they have merely read about, by no means an uncommon phenomenon.

Sergeant Royle added to his previous evidence by saying that when the prisoner was in the lock-up, he told him that "the agreement was, when the child was murdered, to bury it in the hedge behind the house, but, thinking it would be found there, they changed their minds, and it was put down the water-closet." He also said that he would not at present tell the names of the other people implicated.

Constable Goodson said that while the prisoner was at Wolverton railway station, the prisoner gave a tobacco-box to one of the railwaymen, and a purse to another, and a knife to a third. He produced these articles, which he had recovered from the men, who were total

strangers to the prisoner. When he gave them to the men, the prisoner said that " they would hear something of them afterwards." During the train journey the knife had fallen from the bundle, and the prisoner at once said: " That is my knife; how did you come by that?"

While the party was at Oxford, waiting for a connection, the prisoner said that he wished to confess, if he were by himself. He wished particularly to know if Miss Constance Kent, who had been tried for the murder at Road, could possibly be tried again.

The prisoner denied this, and, having been cautioned by the magistrates, was examined by them. He declared that " circumstances told him " he had better make the confession. He could prove that he was at Fratton Road, Portsmouth, on June 28th and 29th, and at Godalming on the 30th. It was being so unfortunate as to be out of work that made his life a burden to him. Among other things, his wife had left him in London with the children, which made it worse. The two spots of blood on his trousers were from a cut on his finger, which he would show to the magistrates.

The policemen from Buckinghamshire, upon being referred to, said that they had observed no cut on the prisoner's finger, and that the blood on the trousers appeared dark. The prisoner had said nothing about a cut. They were satisfied that the prisoner had not been drinking when he gave himself up.

In reply to further questions, the prisoner repeated that he could prove he slept at Portsmouth on June 29th. There was a review, or something of the kind, on the 28th, and the shops were shut up. He refused to say where he slept, but offered to write it down. Paper being supplied to him, he wrote: " I slept at the George

and Dragon, or the Green Dragon; it is next to a brick-field, or at the back of it, and at the side of it a sawyer's pit. While I was there on the 28th I changed caps with another man for his, and I slept there on June 29th."

The prisoner then became rather less reticent, and embarked upon the following rambling story: "I don't know who the man was; I don't think he slept at the same public-house as I did. They will remember me, for I did not pay for my lodging. On the night of the 30th I slept at the Crown and Anchor (at Godalming), which is the first public-house coming from Portsmouth. I went to Portsmouth from London. I was trying to get off on board ship. I walked from London to Portsmouth, I think it is about seventy miles; I was three days walking it. I confessed because I was hard up, and thought it better if I could be hung. I am sick and tired of my life. I changed my story because I should not like to die without convincing everyone that I was innocent. I was never at Road, and do not know what caused me to say I went there in search of work. I could refer to two or three persons who knew me, but I should not like them to know where I was. The parties at the George and Dragon well knew I was there, because I had a large boil at the back part of my neck, and they put soap and sugar to it.

"I got the mark which is on my shoulder by falling from a scaffold two years ago. I then went into Westminster Hospital; I was there ten or twelve weeks. I struck my head then. I think Dr. Bathan attended me. I was in the same hospital since for carbuncles; eighteen months after I went in for a carbuncle between my shoulders. I was there three months. Dr. Barnard Hope operated on me. I got a letter for a ticket of admission to the hospital, I think from the Bank in

Little George Street, Westminster. I was then working for Messrs. Pipers, in Bishopsgate Street Without. I was on the scaffold repairing a house in Pimlico. I worked for Mr. Macey of the Strand last, in London, as a bricklayer.

"The houses at which I stayed in Portsmouth and Godalming were not houses of call for masons. I believe there is an advantage in going to such houses. A young chap as slept with me in Portsmouth said he worked at Cumberland Fort. I have been in St. George's Hospital, in Guy's, and Westminster. I have never been in an asylum. It is fourteen years since I was in Guy's Hospital; I went there for fits and an overflow of blood to the head. I have not had any fits for the last three years. I was four times at Westminster Hospital, twice for fits, twice for accidents. I lived in Pimlico alone; when I was living with my wife I lived at Princess Street, Soho—that was good two years ago. I do not know the number of the house; a person by the name of Gibbons kept it. I lived on the first floor with my wife and children."

The chairman of the Bench then told the prisoner that in his own interests the magistrates wished to know who and what he was, and that they must have further particulars. They proposed to remand him until the following Wednesday, and in the meantime he could prove the truth of his story by sending to anyone.

The prisoner replied that he would tell the Bench his name at once if it could be kept private, as he did not want his mother to know where he was. Upon the chairman refusing to give any such undertaking, the prisoner asked for pen and paper to write it down. He was removed, and shortly afterwards wrote down his name as "John Edmund Gagg." When he was brought

up on the Wednesday, Gagg said that he had not had the time or the chance to send for anyone who could prove that he had slept at Portsmouth on the night of June 29th, but repeated his statement that this was the case. Mr. Foley said that in the course of a week he would be able to show if what the prisoner said was true, and he was accordingly remanded until Wednesday, August 22nd.

By this latter date sufficient evidence had been received to corroborate Gagg's story of his movements, at least in its essentials. Gagg had written to his brother, Christopher Gagg, who was in service at Portsmouth, and he in turn had communicated with Superintendent Barber of Portsmouth. Barber wrote to Superintendent Wolfe, informing him that a man answering to the description of the prisoner had stayed at a public-house in Portsmouth on the night in question. The house was, however, the Sheet Anchor and not the George and Dragon. The landlord of the Anchor at Godalming also wrote to say that such a man had stayed in his house about the time mentioned.

Mr. Dunn, on behalf of Mr. Kent, was then allowed to put a few questions to the prisoner, through the chairman of the Bench. These questions were: "Have you ever seen Mr. Kent in your life, that is, before you were apprehended?" To which the prisoner replied: "No!" "Do you know, or have you ever seen, any of the servants?" "No." "Before you were apprehended, had you ever been at Road?" "No." "Is the story you told the police as to your having murdered Saville Kent true or untrue?" "Untrue."

Finally, the Bench decided to pay Gagg's railway fare back to London, and to maintain him till he reached there. He was then to be handed over to the authorities

of his own parish of Westminster, where he would be left to his own resources. This was duly effected the next day, and the proceedings terminated.

We may turn to the *Journal* for an account of various other incidents which occurred during this period.

" Mr. Dunn, solicitor, attended to watch the case (of Gagg) for Mr. Kent, and Mr. Kent himself was in an adjacent room, ready to be examined himself if called upon. Although this was his first appearance in Trowbridge since the murder, we were glad to find that no hostile demonstration was made by the crowd, such as might have been anticipated from the unwarranted prejudices which exist against him in that town. . . .

" The difficulty of knowing what to do with this roguish fool (Gagg), for madman he certainly is not, has been a source of perplexity to the authorities. . . . He has committed no offence for which he could directly be indicted. It would hardly be practicable to charge him with obtaining goods—his week's board—by false pretences, and he could scarcely be committed as a rogue and a vagabond because it is essential thereto that he should have ' no visible means of support,' whereas a pocket-book and rule were found upon him. . . . Surely there ought to be some means of protecting the public from the great expense entailed by such a hoax. A similar confession was made by an innocent rascal in connection with the murder of a railway cashier at Glasgow some three years ago.

" The object of Gagg's confession is not very apparent. Whether, being weary and penniless, he thought to receive a few days' rest and food, or whether he merely wished for a tour in the West of England, no one but himself can tell. He certainly does not appear to be labouring under any mental illusion now.

"It appears that the sanguine expectations of the police (that they had found a circumstance incriminating Mr. Kent) have come to naught. Mr. Kent having told the Trowbridge toll-bar-keeper that his boy 'had been carried away in a blanket!' and the nursemaid, who was supposed to be his informant, having said she was unaware the blanket was missing till it was brought in with the dead body, seemed to point to a tangible discrepancy, which is now cleared up by the fact that Mrs. Kent alleges—and, of course, cannot be contradicted—that she examined the bedclothes herself, and told her husband the blanket was gone before he started for Trowbridge. The whole affair seems now wrapped in a more impenetrable mystery than ever; or, as we shall be more inclined to phrase it, the expectations of the ultimate proof of guilt against the criminal grows more and more faint. Still, we believe other efforts are about to be made, and a private examination will probably be held at which Mrs. Kent will give evidence."

Here, again, is one of the mysterious features of the case. Undoubtedly there was a distinct conflict of evidence, if Mr. Kent did indeed inform the toll-bar-keeper that his son had been "carried away in a blanket." That he should inform the toll-bar-keeper of the incident is most natural, for such a person would naturally see all who passed by the toll-bar. But that Mrs. Kent should have informed him of the missing blanket is incredible. It would have involved her having minutely examined the cot, in itself a remarkable action on the part of a distracted mother. Further, if she actually did so, she must have replaced the bedclothes exactly as she found them, for the nurse did not discover the absence of the blanket until she saw it wrapped round the child's body. There is a discrepancy here which was never cleared up.

The local indignation of the failure of the authorities to clear up the mystery of the crime is well expressed in the *Journal*. In the issue of August 25th appears the following:

"The inquiry into the Road murder, so far as active exertions are concerned, remains in abeyance. It is true that the police still remain constantly on duty near the house, the men being changed every eight hours. It is true also that Messrs. Foley and Wolfe are intermittently following up the various clues and features which may present themselves, but further than that nothing is being done. . . .

"Ought this to be? We answer, and our answer is echoed by public sentiment universally, 'No!' There has been yet nothing to satisfy the public mind on many, many points which have yet to be cleared up, or, at all events, presented to the world. The impetuous close of the coroner's inquest was a piece of rash folly which has had a most injurious influence on the individual reputation of the Kent household, and bitterly do they profess to repent the misguided zeal of their friends, whose good-intentioned but fatal desire to screen their feelings has served to render the whole family, in some sort, an object of suspicion. Mr. Dunn, on behalf of Mr. Kent, has made an earnest application to Government to grant an order for the coroner's inquest to be reopened; but by a very recent decision such a course is pronounced illegal, unless legal informality is proved in the first inquest.

"An application has also been made to the Home Secretary (Sir G. C. Lewis) to send down a Special Commission, armed with power to investigate the mystery, and the Judge of a neighbouring County Court, who a few weeks ago made a careful examination of the premises,

has tendered his services to act gratuitously as Special Commissioner. Yet even this Sir G. C. Lewis has felt it his duty to negative, on the grounds that a Queen's Commission in such cases is unusual and impracticable! Shame on the Government, Liberal or Conservative we care not, who allow so mawkish and contemptible an excuse to bar the way of justice. Here is red-tapeism and incapacity with a vengeance. 'Unusual and impracticable!' Why, is not the crime an unusual one, and is not its detection by ordinary means proved to be impracticable? Then why is so paltry a hindrance permitted to cheat justice of its victim? Let us hope that Her Majesty's Government will again reconsider their determination, and not suffer a criminal to escape, whose successful concealment will stimulate others to crime, while one step remains untrodden which might lead the way to ultimate exposure, especially seeing that if the matter remains as it now is, the reputation of a whole family must inevitably be blasted for ever."

This attack on Lord Palmerston's Government by a staunch Liberal newspaper is of interest to students of politics. As will be seen later, the Road murder was already becoming, in many quarters, a stick with which to beat the Government. But with this aspect of it we are scarcely concerned, and we may return to certain other criticisms voiced by the *Journal*.

"A few circumstances may be mentioned showing how incomplete has been the magisterial or public investigation. Emily Doel, the girl who came to the house to assist the domestics, arrived on the fatal morning at ten minutes to seven, and went into the nursery four times within half an hour—once with a bath, once with hot water, and twice with cold. This was in the interval, between the first and the second time Elizabeth Gough

professes to have gone to tell Mrs. Kent of the child's absence. Emily Doel states that the nurse said not one word to her on the subject, and that she was engaged in making her bed, and not in reading or praying. Yet this most important witness has never been called upon to give evidence."

Now, the *Journal*, almost alone among the newspapers of the day, refused to believe in the guilt of Mr. Kent. Commenting upon the article in the *Bath Chronicle*, already quoted, it had expressed its belief that " Mr. Kent is, at least, not either the actual murderer or an accessory before the fact." But it is to be feared that, in support of this theory, it was rather apt to use its exclusive sources of information in the attempt to cast suspicion elsewhere. If Emily Doel's statement is to be accepted, it would appear to be rather favourable to Elizabeth Gough than otherwise. " The nurse said not one word to her on the subject." Why should she, if she supposed that Mrs. Kent had taken the child ? Further, it is easy to imagine that upon Emily's entrance she would terminate her prayers and begin making her bed. However, to continue.

" Again, two men, one of them named Job Moon, were on the night of the murder working in a neighbouring quarry or limekiln ; very early in the morning they heard the house-dog barking loudly, and remarked one to the other : ' There must be something wrong at Mr. Kent's, the dog is barking so.' Who has heard of this hitherto ? And yet arguments have been based on the supposed quietness of the animal ! It has never yet been stated in evidence by anyone that Mr. and Mrs. Kent occupied the same room that night, or at what hour Mr. Kent retired to bed.

" Elizabeth Gough, the nursemaid, on Monday last

(August 29th) gave notice of her intention to leave Mrs. Kent's service. She has, perhaps naturally, been subject to a most disagreeable surveillance by the household, from which she expresses a wish to free herself. In answer to the statement of Emily Doel, she says that she was not accustomed to talk much to the girl, as if she did they would not do their work."

We may sympathise with the unfortunate Elizabeth Gough—whose ordeal was by no means at an end—in her desire to escape from Road Hill House and its associations. Her departure was, it happens, facilitated. "On Monday (August 27th) Mr. Gough, the father of the nurse, went to Road and requested that, if practicable, his daughter should return with him (to Isleworth), as her mother was very ill and required her attendance at home. No objection was offered to this, and she accordingly returned, it being understood before she left, however, that she should be forthcoming should any other examination take place. Before she left she expressed herself, as she has repeatedly before, to the effect that in her belief the murder was committed neither by Constance Kent nor by any of the household. But little notice can be taken of this, however, as were she to express a contrary suspicion she would instantly be required to give grounds for her suspicion."

The idea of a Special Commission seems to have appealed to local opinion, and two rival memorials were drawn up. The first appears to have been due to the initiative of the *Bath Express*, and was "largely signed by many of the most influential inhabitants of Bath." It ran as follows:

"To the Right Honourable the Secretary of State for the Home Department.

"The memorial of the Mayor and other inhabitants

of the City of Bath, being magistrates, Clergymen, Bankers, Commissioned Officers in Her Majesty's two Services, Members of the Legal and Medical Professions, etc., etc., Sheweth—

" That an extraordinary crime, and, so far as we know, a crime unique and unparalleled in the annals of this country, was committed on the twenty-ninth of June last, at Road, in the adjoining County of Wilts.

" That, as living in the immediate neighbourhood, our attention has been specially directed to it.

" That a miscarriage of justice has occurred through the defective manner in which the Coroner's Inquest was conducted, that inquest having been closed after one sitting without any attempt to ascertain and name the murderer.

" That, in consequence of this, Samuel Saville Kent, his family and household have never been examined and cross-examined.

" That the condition of the doors, windows and fastenings of the house prove that Road Hill House was not forcibly entered from outside during the night.

" That therefore the murderer was an inmate of that house, or was secreted there for the purpose, and that his accomplices before, and his accessories after, the fact are to be sought in that mansion.

" That Mr. Kent's household are, therefore, collectively responsible for that murder, and that the innocence of no one of them is to be assumed.

" That nevertheless the inmates of that house have never been examined.

" That we, therefore, humbly pray you to grant a Special Commission for the investigation of this crime, as the ordinary means have entirely failed.

" That a Special Commission is an unusual procedure;

but that the crime is extraordinary and unparalleled in its character and circumstances.

"We therefore pray you to grant such Special Commission."

Not unnaturally, the form in which this memorial was drafted did not meet with the approval of Mr. Kent or his legal adviser. The *Journal* criticises it as follows:

"While we deeply sympathise with the prayer of this petition, we cannot but regret the offensive terms in which it is most unnecessarily couched. The first person who should have been requested to sign such a document was Mr. Kent himself, and we have very good reason for knowing that not only that gentleman, but every individual in the household would, with at least apparent readiness, have joined in its prayer. But, worded as it is, should they do so it would not only be the Judas presumed to be among them asking, 'Is it I?' but it would be in fact a deliberate statement by the establishment collectively that among them was a criminal. In a matter of this kind we ourselves should hesitate before putting our signature to a formal accusation of that character.

"We trust that another memorial may be started, and signed by all throughout the length and breadth of Wilts and Somerset, free from this objectionable stigma, and carrying with it the weight always appertaining to unquestionable truth. Such a petition will in all probability be prepared, and in the course of a day or two lie for signature at our office, and at the establishments of most of our agents in other towns."

This prediction was fulfilled, and a second memorial was prepared and exhibited for signature.

"To the Right Honourable the Secretary of State for the Home Department.

"The memorial of the undersigned inhabitants of Road, and Towns in its vicinity, sheweth—that,

"*Whereas*, an atrocious *Murder* was committed in or near *Road Hill House*, on the Twenty-ninth of June, 1860, on the body of *Francis Saville Kent*, by some person or persons unknown, under circumstances unparalleled and from a motive inexplicable;

"*Whereas*, the perpetrator or perpetrators of this outrage are still at large, and no vigorous efforts are at present being made for their detection; and

"*Whereas*, in consequence of the hasty conclusion of the Coroner's inquiry, *Samuel Saville Kent*, his wife and several members of his family and household have never been publicly examined and cross-examined, whereby injury has resulted to the reputation of several individuals, and the course of justice has been greatly frustrated,

"*We, Your Memorialists*, most earnestly pray that, however unusual such a course may be, a *Special Commission* may be at once appointed further to investigate this mystery, to endeavour to discover the criminal, and afford opportunity for statements on *Oath* to be made by all concerned."

The *Journal* reports that "Previous to this memorial being publicly exposed, it was submitted to Mr. Kent, and received his approval, he intimating his willingness to sign it, with his whole household, were it not needless on account of his anticipated visit to London to enforce its prayer in person. It has since laid for signature in various towns in the neighbourhood, and has been largely signed."

But by this time a new development had appeared, which opened yet another curious chapter in this unprecedented case.

CHAPTER VI

It appears that Mr. Kent, at the beginning of September, finding intolerable the suspicion with which he was surrounded, and acting upon the advice of his solicitor, Mr. Dunn, resolved to ask for a personal interview at the Home Office. As an Assistant Inspector of Factories, he was himself an official of that Department, and he may have supposed that this would be taken into consideration when his request for an interview was considered. But before any answer was received to his communication he received a visit from Superintendent Foley, who requested him to have all his servants in readiness to go to Bath early on the following morning, September 5th, there to be examined by Mr. Slack, a solicitor in practice in that city.

Mr. Kent was unable to secure from the police any information as to the authority by which Mr. Slack demanded the attendance of the servants. However, Mr. Kent sent them; they were examined separately and privately by Mr. Slack, and returned in the evening. Next day, several other witnesses were summoned to Bath, and were similarly examined. The only light which could be thrown on the matter was a paragraph in *The Times* of September 5th, which stated that the Government, through the Home Secretary, had entrusted the case to Mr. Slack for examination and report.

Immediately after Superintendent Foley's visit to Mr. Kent, the latter's solicitor, Mr. Dunn, wrote to Mr. Slack asking him to quote the authority under which he acted. To this Mr. Slack replied that "he

was regularly instructed by a proper authority" to endeavour to detect the murderer, and asked whether Mr. and Mrs. Kent would be willing to be examined on the 9th. A reply was sent, intimating that although Mr. Kent was perfectly willing to do all in his power to facilitate justice, yet he wished to know if these proceedings were undertaken by instructions from the Government, or merely at the instigation of private individuals for some hidden purpose.

For some reason Mr. Slack was reluctant to reveal the actual facts. He contented himself with replying that " those who instructed him had the authority by the Home Office for so doing," and at the same time renewing his request that Mr. and Mrs. Kent should attend at his office for examination.

This was still regarded as unsatisfactory, and Mr. Dunn replied as follows:

" Dear Sir,—I am in receipt of your letter written this day, and am extremely concerned to find that it affords me no satisfactory answer to the inquiry it was my duty to make you, namely, on whose behalf and with what objects you are instructed in this matter.

" The single object which you say you have, namely, to assist the authorities in the discovery of the truth, Mr. Kent and myself have always been most desirous to co-operate in attaining; but until we know definitely who are the authorities to whom you refer, we are without the means of judging whether the unusual proceedings you are taking are calculated or not to promote the ends of justice.

" As you speak of acting under instructions which have the sanction of the Home Secretary, I may inform you that Mr. Kent received this morning a communication from Mr. Waddington, relative to a proposed public

inquiry, in which no mention whatever is made of you being employed by the Government, nor any request that Mr. Kent should put himself in communication with you, for the purpose of private examination by you, or for any other purpose relating to this matter.

"For aught we know you may be acting under the instructions of the detective officer whose former proceedings in this case have been condemned by the almost universal voice of the country.

"I have only to add that while Mr. Kent is still most willing (as he has repeatedly declared himself to be) to submit himself, his wife and every member of his household to examination, on oath or otherwise, by any magistrate of the county, or other competent official whom the Government may appoint, I have advised him (acting myself on the recommendation of Counsel) that the examination which you propose to make in your private office, without stating by whom or on whose behalf you are instructed, would, so far from furthering the rules of justice, be calculated to impede them. I cannot, therefore, accede to your request contained in your letter of the 5th inst., that Mr. Kent and other members of his family should attend at your office to be examined by you."

The letter from Mr. Waddington, referred to in the above, was the reply to Mr. Kent's request for an interview with the Home Office authorities. This letter refused the requested interview, and intimated that it would be far preferable if all communications on the subject were to be made in writing. To this Mr. Kent replied on the 7th as follows.

"Sir,—In reply to your letter of the 5th inst., I have to regret that you could not see it right to afford me an interview in reference to the murder of my child, as I was most anxious personally to assure you of my earnest

desire that every facility should be afforded for a public and searching examination of myself and my whole household.

" I regret also to observe, by the reports in the Press, that the Home Secretary sees a difficulty in the way of granting a Special Commission for the purpose of such examination. It is suggested that the indemnity granted to witnesses giving evidence under a Commission would prove an insuperable objection. I beg therefore to say that, so far as I myself and all over whom I have any control are concerned, we would not only not claim, but utterly repudiate any such indemnity, if by so doing we could facilitate the granting of a Special Commission, and I trust that after this intimation Sir George Lewis will reconsider his determination.

" If he should still see a difficulty in his way, I beg to say that I should at any time be prepared to submit myself and my household to a voluntary examination by the chairman of our Quarter Sessions or any other official whom Sir George Lewis might nominate.

" I would only add that I have received a request from Mr. Slack, a solicitor in Bath, to attend with my wife and family for a separate examination at his private office, and he asserts that he has the sanction of the Home Office for doing so. I am sure you will see that in declining to comply with this request I am in no way acting in opposition to the assurance I have given you."

Meanwhile, the Home Office had issued an official reply to the memorialists who had prayed him for the appointment of a Special Commission. It was to the effect that Sir George Lewis refused to advise Her Majesty to grant such a Commission on the ground that it would be an extraordinary and exceptional tribunal, superseding the established Courts of Justice, which were

governed by well-known carefully-defined rules, and that to establish such a Court would be highly unconstitutional. At the same time it became known that a private communication had reached the Wiltshire magistrates from the Home Office, intimating that the Government were still desirous that the investigations should proceed, and if it were thought expedient to place the matter in the hands of some solicitor of standing, the expenses of the proceedings would be defrayed by the Government.

The cautious Mr. Slack, however, still refused to divulge his authority. In his reply he merely repeated that his clients, who had instructed him in the matter, were acting under the authority of the Home Office in what they were doing. To this Mr. Dunn sent a reply, on September 11th, of which the following extract contains the gist.

" Since your letter reached me, Mr. Kent has received a further communication from Mr. Waddington, from which I gather (although Mr. Waddington says that no direct intimation to such effect has been received by him) that you have been instructed by the magistrates to make the inquiries you are now engaged in. If such be the case, perhaps you will at once frankly inform me, and there will then be no longer any doubt as to who are the authorities to whom you have before referred.

" With them will rest the responsibility for the course you are pursuing. And in such event, without expressing any opinion as to the propriety of that course, regard being had to all the circumstances, I have Mr. Kent's instructions to say that if you should desire to put any question to him or to Mrs. Kent, or to any member of his family and household, he will be prepared to receive you at Road, and I shall be happy to meet you there, and afford you every facility for such purpose."

On the same day that this letter was written, a magistrates' meeting was held at Trowbridge, attended by Messrs. Ludlow, W. and J. P. Stancombe, and the Rev. R. Crawley. The *Journal* states that Mr. Slack appeared and "laid before the magistrates his proceedings (*i.e.* those of his inquiry up to date) and the obstacle to his further progress. The result of this consultation was that Mr. Slack wrote to Mr. Dunn (this letter crossed Mr. Dunn's of the 11th), avowing that Mr. Slack's 'clients,' as he had previously called them, were in fact the magistrates, and conveying the wish of the Bench to Mr. Kent that the two Miss Kents, Master William, the little girl, and also the housemaid and cook, should attend at Bath on the following day also; in answer to Mr. Dunn, Mr. Slack wrote reiterating the request, and intimated that the presence of Mr. Dunn as suggested would not be objected to. Mr. Kent's solicitor, however, still remaining resolute that the interview should take place at Road, yesterday morning (September 14th) a letter was received stating that Mr. Slack would attend at Road at twelve o'clock that day to examine the persons mentioned in his note. This has accordingly been done. It will be observed that Mr. Slack does not express a wish to examine either Mr. or Mrs. or Constance Kent. Should he refrain from doing so, the dissatisfaction already felt at his extraordinary proceedings will be still further increased."

There is no doubt that there was considerable dissatisfaction with the action of the Home Office in recommending a secret inquiry instead of appointing a Special Commission, which could take evidence in public. The *Journal* remarks: "This mode of private 'Star Chamber' examination before a single individual, however convenient it may be in order to enable Government to hush

the cry for justice which has reached it, is not likely to satisfy the public, whose experience of secret examinations and underhand proceedings in this case has been sufficiently lengthy and unsatisfactory."

Among the many articles appearing in the London papers on the subject, we may quote the comparatively temperate remarks of the *Daily News* (September 12th, 1860).

"Sir George Lewis has refused the application for a Special Commissioner to investigate the circumstances of the Road murder. The Home Secretary declares that the appointment of such an official would be unconstitutional; that it would be the erection of a tribunal unknown to the law, for the purpose of superseding the ordinary Courts of Justice; that it would be the establishment of a precedent so dangerous to innocence that no hope of detecting guilt can warrant its adoption. At the same time we are informed that he has intimated to the Wiltshire magistrates that further inquiry is desirable; and that they, having indeed no other way of making further inquiry, have instructed a country attorney to receive the depositions of such persons as choose to submit to his examination.

"It is a little difficult to reconcile these contemporaneous proceedings of the Home Office. It would be unconstitutional to appoint a Commissioner—it is not unconstitutional to recommend the Wiltshire Bench to appoint a Commissioner! It would supersede the Imperial Courts if preliminary inquiries were to be made in the Queen's name—it does not supersede them if inquiries are prosecuted in the name of those holding the Queen's Commission of the Peace! It would be dangerous to innocence if a magistrate or a barrister were to be named to conduct the investigation—it is not dangerous to innocence if it be committed to an attorney!

By what subtilty of reasoning shall we trace the harmony betwixt the Home Office's arguments and its acts? May we dare to suggest that the only solution can be found in the supposition that the acts are dictated by simple common-sense, while the arguments are prompted by a desire to escape the responsibility of the acts? It is possible that Sir George Lewis has adopted the easy denunciation of a proceeding as being unconstitutional merely to cover official reluctance to break through a merely official routine. Either we must admit some such explanation, or we must resort to the idea that the Home Secretary has failed to understand what was asked of him. What are the Courts whose function a Commissioner would supersede? What are the Courts that are now in action? What are the Courts that can possibly act until a case of suspicion is made out against some individual which would authorise the issuing of a warrant?

"It is because no such case has been made out that we desire steps to be taken which are the only means now left to us for arriving at that practical result. A Commissioner, far from superseding any Court, would be, if he effected anything at all, the means of setting the Courts in operation. His duties would finish before those of the Courts would begin. He would not try the accused; he would not even commit the accused for trial. He would only ascertain the facts which would guide the proper authorities in determining whether there was ground for bringing anyone to trial. . . .

"Nothing is sought which requires more than that an unused or debatable authority should be enforced. Nothing is sought, save that in a matter which lays a whole household, a father, a mother, sisters, brothers, nurse, servants, under common obloquy of distinguishing suspicion, which involves a whole neighbourhood in the same pall of indefinite horror, which already to many an

innocent person has wrought an almost ineffaceable wrong, and which has struck the whole nation with vague amazement and terror, someone should be employed in the task of endeavouring to clear up the mystery who has higher qualifications than the mere detective, and in whose hands the available evidence may be elicited with somewhat more of discrimination, and somewhat less danger of fatal error, than when it is left to be hunted up by the methods of the secret police. . . .

" Sir George Lewis has a constitutional right to impose on whom he will the duty of endeavouring to detect the author of a horrible, and as yet untraced, crime. He has, in the first place, imposed that duty on the Metropolitan and local police, and they have failed. He has indirectly imposed it on an attorney, but he has, by his over-caution, withheld the avowed sanction which is needed to render the delegation effectual. What we ask is no more than that he should transfer the prosecution of the inquiry to yet more competent hands, and give to it a character which shall allow the public, as well as those whom it will most nearly concern, to recognise it as conducted under responsibility to Government. That this should be done is due not only to curiosity or to vengeance, but it is due to justice, and to innocence lying under most cruel suspicion. The investigations already made have succeeded only in directing suspicion in almost equal measure against individuals of whom it is morally impossible that all should be guilty."

Notwithstanding the outcry against this form of procedure, Mr. Slack's inquiry proceeded behind a veil of rigid secrecy. However, owing probably to the fact that Mr. Dunn was permitted to be present, a few details leaked out in the columns of the *Journal*, and were thence reproduced in the general Press. A few extracts from the *Journal* are appended, which will serve to show the

course of events, and also the fluctuating tendencies of public opinion.

" Were it not that the rumour has been so extensively prevalent in this whole district during the past day or two, we should not think it worth while to say there is no truth whatever in the statement that Mr. Kent has attempted to commit suicide. His position, however, whether innocent or guilty, is so intensely painful, that the report has a greater appearance of probability than have many of its predecessors " (September 15th).

" The examination into the circumstances of the late murder is still under pursuit by Mr. Slack. . . . Each day (from September 17th to 22nd), with the exception of Wednesday (19th), Mr. Slack, together with two clerks and Superintendents Foley and Wolfe, have attended at Road Hill House and examined witnesses. The two eldest Misses Kent, the little girl of five years of age, and William, were the first to be examined; and Monday morning was spent at the Woolpack Inn, Beckington, with the boy Holliday (he is occasionally referred to as Alloway), who gave voluminous evidence, and, it is said, of a somewhat important character.

" On Wednesday, Mr. Slack laid before the Wiltshire magistrates at Trowbridge the evidence which he had taken up to that time, and was commissioned to proceed with the examination. Accordingly, on Thursday, Mrs. Kent was examined for four hours, and yesterday Mr. Kent was also under examination. It is intended to conclude by examining Mr. Parsons, surgeon, of Beckington, and the nurse, who is quite ready to come forward when called on. Whether Constance Kent will be examined is as yet uncertain. On Thursday Mr. Foley carefully dug up the piece of garden which Constance had been accustomed to regard as her own (September 22nd).

"On Saturday evening last (September 22nd), Mr. Slack having spent the whole day in examination of Miss Constance Kent, announced that he had no further need for any of the household at present. Since that day, having examined all the other witnesses in the case, he has taken the evidence of Dr. Parsons and of Elizabeth Gough, the nursemaid, at Bath, and the examination of witnesses is now understood to be finally closed. The nurse has latterly been staying near the city of Oxford.

"One of the witnesses examined at Bath by Mr. Slack has been Emma Sparks, who was, eighteen months ago, nursemaid at Mr. Kent's. She appears to be less favourably impressed with regard to the household harmony than have been other witnesses. The inquiry has been conducted in the strictest secrecy, the only person present being Mr. Slack and two clerks, who have copied the depositions from his notes; Mr. Dunn; and either or both of Messrs. Wolfe and Foley, superintendents of police.

"Mr. Dunn has remained throughout an all but passive listener, although we hear that, previous to Miss Constance Kent's examination, he recorded some sort of protest against her evidence being taken, on the ground that she still stood charged with the murder, and was now only out on bail. She herself, however, we believe, expressed a wish, as she had frequently done before, that her statement should be received.

"The statements made at Road Hill House have not been signed by the respective witnesses, Mr. Dunn having objected to their being so; those taken at Bath were severally read over and signed. . . . We believe that the evidence taken by Mr. Slack is now under the consideration of Sir George Lewis, and that if it is deemed discreet on the amount of evidence at present elicited, decisive measures will be shortly taken. That they will

be less abortive than those which have already been taken we greatly doubt; conviction without confession seems to us all but impossible.

"In one fact we are happy to be able to express our confident belief, namely, that Mr. Slack is entirely satisfied in his own mind that the murder was not committed by Miss Constance Kent. This conclusion we have arrived at by information from several quarters, and one fact may be adduced to bear it out. The purse for which Miss Constance went to the lumber-room on the day of the inquest, asking the nurse (this should be housemaid) if it was in her pocket, which was regarded by Mr. Whicher as so suspicious a circumstance, was subsequently found behind her chest of drawers. We are the more gratified in stating this partial exoneration, as we have from the very first regarded the published facts as bearing most suspiciously against her. She not being guilty, there is no question whatever—all admit it—that she is the victim of the vilest plot that ever imagination conceived" (September 29th).

On the very day that these words appeared, the result of Mr. Slack's inquiry became manifest. Superintendent Wolfe proceeded to Isleworth, and arrested Elizabeth Gough. She was brought to Trowbridge and formally charged with the murder of Francis Saville Kent. The news of this arrest made a tremendous sensation throughout the country. It was thought that at last the mystery was about to be solved, even though the crime was by now three months old, and very little fresh evidence was to be expected. But the remark of the *Journal* proved to be justified, and the proceedings ended in failure. They are, however, of sufficient importance in establishing the details of the crime, and in giving publicity to the evidence of several hitherto uncalled witnesses, to be reproduced in an abridged form.

The Bench consisted of Sir John Awdry, the chairman, and Messrs. Ludlow, Crawley, W. and J. P. Stancombe, Walmesley, and Laverton. The prosecution was conducted by Mr. T. W. Saunders (who must not be confused with Mr. J. B. Saunders, whose eccentric proceedings caused a mild sensation later in the history of the case), instructed by Mr. Slack. The prisoner was defended by Mr. Ribton, a barrister well known in his day at the Old Bailey, instructed by Messrs. Farnell and Briggs. Mr. Edlin, instructed by Mr. Dunn, appeared once more on behalf of Mr. Kent.

The inquiry was opened on Monday, October 1st, at Trowbridge. According to the *Journal*, "The prisoner was under the charge of Mr. Wolfe, with whom she had been conveyed in a fly each day to and from Devizes gaol. She was very pale and considerably emaciated since we saw her last; her general appearance, dressed as she was in deep black, was such as to excite sympathy. She was generally composed, but watched the proceedings with great interest, frequently making verbal and written communications to her solicitor."

The warrant having been read, charging her with "wilfully, feloniously, and maliciously, and of malice aforethought, killing *Francis Saville Kent*," a discussion ensued between the Bench and Counsel, in the course of which it was stated that the proceedings were under the direct sanction of the Attorney-General. Mr. Saunders then opened with a speech of which the following were the main points.

He said that he appeared for the purpose of preferring and bringing home the charge against the prisoner at the bar. He proceeded to remark that the case was open to one of four suggestions. It might be that some person broke into the house, but he would endeavour to clear that up by showing that it was impossible that this could

have taken place without the concurrence and connivance of someone within. It might be said that some person was secreted within the house, but that was highly improbable, inasmuch as there was hardly any place which would afford a hiding-place, and if it had been so, they must in all probability have been secreted by some person in the house. The state in which the window was discovered in the morning also showed that no person could have got out with the burden of a heavy child in his or her arms, as it was only left about six inches open. If a person did get out by this way, it could only have been by raising a heavy window, which made a noise after it was lifted a certain height, just above that at which it was found, and must then have returned and lowered it, a thing most improbable.

It might also be suggested that the murder was done by one person only, and that it was done by the prisoner at the bar. Whether it was done by one or more persons, he thought it clear that the prisoner must have been one of the parties concerned. It would be found that the little boy slept in a cot and was covered with a sheet; after that came a blanket, and at the top of all was a counterpane. When the body was discovered, this very blanket, which formed part of the outer covering of the child, was found underneath it, having been removed from between the counterpane and the sheet. It was almost impossible to suppose that any one person could have so removed it. The boy was a heavy child for his age, and the persons, whoever they were, who were concerned in the murder, must have taken the child from his cot, then wrapped him in the blanket—perhaps have smothered him with it—and then have taken him downstairs and disposed of the body in the way described.

Counsel proceeded to argue that there must have been a second person in the room to assist in taking the child

from his cot, and in arranging the bedclothes as they were afterwards found. It was not at all likely that two strangers would have ventured into the prisoner's room for the purpose, and the conclusion forced itself upon the mind that the prisoner must at least have some guilty knowledge of the matter. The prisoner's statement that she went and knocked at Mrs. Kent's door two or three times about an hour before she went the second time and got an answer would be contradicted by Mrs. Kent, who at that time was in a condition which made her particularly wakeful. Mrs. Kent would state that she heard no knocking until she replied to the prisoner. It would also be proved that the prisoner had mentioned the loss of the blanket before the body was found, whereas, unless she was aware that it had been taken away with the child, she could not have discovered the loss of the blanket in the state in which the bedclothes were found. She had subsequently denied having known of its removal until the child was brought in dead.

Further, a piece of flannel which was found underneath the body of the child, and which proved to be a chest flannel worn by females, had been found to fit the prisoner and to correspond in texture to a petticoat owned by the prisoner, while it fitted no one else in the house. It might be assumed that there was not the slightest shadow of a ground for a pretence of guilt against Miss Constance Kent, after the facts which had come to their knowledge. He believed that the throat was cut as a blind, after the child had been suffocated, to induce the belief that the barbarity was such that no one in the house could have been guilty of. The nurse had stated that she thought the child had been removed by Mrs. Kent, but she knew that Mrs. Kent was then in a condition which made it impossible for her to have done so. Mr. Saunders concluded by contending that the cause of

justice demanded that the prisoner should be sent for trial, and then called Mr. Kent.

This witness, after giving certain particulars as to his family and household, said: "My daughter Constance had at the time of the murder returned from school within a few days. On the night of June 29th I was the last downstairs. Before I went to bed I examined the house and found all the doors fast. I went into the drawing-room. There are three very large heavy sash windows, divided in the middle horizontally; there are also large heavy shutters, divided into four portions. The shutters are fastened by a broad bar about the width of my hand. I saw this secure about half-past eleven. When I left the room I locked and bolted the door. I then went to bed. I soon went to sleep, and did not wake during the night. I slept very heavily, and awoke about half-past seven. I heard no noise in the night; I was asleep all the time. Mrs. Kent came into the room after me. From the time I got into the room to the time I went to sleep was about twenty minutes.

"I was awakened by the nurse knocking at the door. Mrs. Kent was then dressing. I shortly after went to Trowbridge in search of the police. As I returned home [1] I met Mr. Peacock about a mile out of Trowbridge, who told me he was sorry to be the bearer of bad news, but my little boy was found with his throat cut. After I came back I made a thorough examination of the premises; I did not see anything to lead me to believe that violence had been used. The house could not have been entered from without unless violence had been used.

"On the Saturday night Mr. Foley sent two policemen to my house. They arrived about eleven. I did

[1] But was Mr. Kent returning home? See the evidence of the toll-gate-keeper at Southwick (p. 21).

not let the policemen into the house until I knew that all the inmates were upstairs. I provided them with refreshment. I was at the time in the library. I then went out of the house for the purpose of seeing that all the lights were put out. The police were at that time in the kitchen; they could have gone from one kitchen to the other, or out of the house, but not into the front of the house. I am not quite sure if the door into the passage was or was not bolted. I am not quite sure if I bolted the door; if I did, they could not get into the front of the house. About half-past two one of the police knocked at the door and asked to be let out. I locked the door, that everything might appear in its usual state in the house, as though no police had been on the premises. I keep a full-grown Newfoundland dog on the premises for the protection of the house. At ten o'clock that night I let it loose in the back-yard, I did not hear it bark that night; I have occasionally been wakened at night by the dog barking. The dog does not usually bark at inmates of the house."

In reply to questions by the Bench, Mr. Kent said: "I did not go off to Trowbridge without searching for the child. I searched the premises partially, and gave orders to others to do so also. I had no reason for going to Trowbridge, but that there was the nearest police station."

Cross-examined by Mr. Ribton: "I have given an account of these events to the magistrates and to Mr. Slack. I don't recollect telling these facts to the servants or anyone on the day after the murder. I made these statements to the magistrates sitting at the Temperance Hall at Road, not so fully, but substantially the same. That was the first time I told these particulars to anyone. I may have told my own family some of these particulars. I was in constant communication with the

police on these points. I did not exactly go round the premises in search of the child. I desired the gardeners —there were two there then—to search for it. I only looked myself round the house and the drawing-room window. I did not go out to search myself, but to give instructions to others. I did not search myself because I was anxious to give information to the police at Trowbridge, thinking I could go quicker than any servant. I asked the servants to search for any trace of the child, supposing it had been taken away.

" The back premises are very extensive and accessible. At the back of the house is a very large garden, and there is a field adjoining, which at that time was standing grass, with the exception of a small portion railed off for the cows. To get to the fields beyond you must go through the standing grass unless you go through the garden. I told the Southwick policeman's wife, on my way to Trowbridge, that the child was lost. I did not see the Road policeman. I did not know where he lived. The first person I saw on leaving my gates was Morgan, the parish constable, and I told him and asked him to raise the alarm. There were sweeps in the house the morning before the murder. I did not see them. I have had my dog two or three years; he knew me, of course, very well.

" Mr. Foley arranged with me that the police should come on Saturday night. They came at eleven o'clock at night, and went first into the library, then into the kitchen. I have refused, through Mr. Dunn, my solicitor, to allow a correct plan of the premises to be taken."

Here, obscurely enough, Mr. Dunn interposed, and denied that any formal application had been made through him for such a plan. What was behind this is not clear. It is difficult to see what objection Mr. Kent

can have had to the drawing of a plan, or why, if it was required, a man like Whicher should not have made one for himself. Perhaps the reference is to the incorrect plan made, according to the *Journal*, by a reporter disguised as a detective" (see p. 66). We then return to the curious and inexplicable adventure of the policemen.

"I bolted the policemen in the kitchen; they heard me, but I don't know if I told them I was going to bolt them in. The door was not unbolted from eleven until half-past two. I did not go to bed, but remained in my library. I provided them with bread and cheese and beer. I went at half-past two to let them out, and they then said that they had knocked. All the inmates of the house were then in bed, I believe. When I went out into the garden, as I did in the interval, I saw no one outside. One of the policemen stayed in the kitchen until five a.m. I was in my library. I bolted the door on him also. I can't say he knew I did so. I had never made any arrangement with the police that I should bolt them into the kitchen. I bolted the door that no one might suspect that they were in the house. The nurse remained with me for a month after the murder. I asked her a few questions about it at various times. I asked Mr. Rodway, a solicitor, to attend and watch the case for me, as there was a report that my son William had done it. The door of the nursery is opposite my bedroom door, about nine feet away. When she came to the bedroom door she asked if the children were in the room. Mrs. Kent answered: 'What do you mean by children? there is only one child!'"

Mrs. Kent was next called, and upon examination said: "I have been married seven years, and had three children at the time of the murder, four now. On June 29th, under the direction of my medical adviser,

Mr. Parsons, I caused an aperient pill to be given to the deceased, about eight o'clock. About that time I saw him in bed. He slept in a crib by himself. A sheet, blanket and quilt usually covered the deceased, the sheet turned over the quilt. I went into the room before nine, while the nurse was at her supper. I again went at eleven o'clock. I called her to come up after me to look at the comet, then visible. After the first visit I went to the dining-room, and stayed there until about eleven o'clock. Mr. Kent went out to feed the dog; the others had all gone to bed. About eleven I went upstairs to bed; I saw the nursery door ajar then, and I shut it. I presumed the nurse was inside. The door shuts without noise, but the handle in turning makes a squeaking noise. Mr. Kent came to bed about a quarter-past eleven. I was then out of the room, and directly went in and did not leave the room again until half-past seven the next morning. After going to bed I do not know how long it was before I went to sleep.

"I woke frequently during the night—several times. Because of the state I was in at that time my nights were very restless. Something attracted my attention early in the morning. It was just light, like the light of a dull morning, when I heard a noise. It sounded as if the drawing-room shutters were opened. I did not call my husband's attention to it. I can't say I was alarmed at it, because I thought it was the servants. I did not hear the dog bark that night; he usually barks at strangers. At a quarter-past seven I looked at my husband's watch and commenced getting up. Previous to that I heard no knock at the door. I think I should have heard an ordinary knock at the door. The nurse knocked at the door as I was dressing, and I opened it. She said, 'Are either of the children awake?' I said I was astonished at her asking for two. She said, 'Master Saville, is he not

with you?' I said, 'Certainly not.' She said, 'He is not in the nursery, ma'am.' I then went into the nursery. I asked nurse if she had left the chair against the crib, and she said 'No.' I sent her to deceased's sisters to look for him. She said she had missed him about five o'clock. I told her she ought to have come and told me. She said she had not come as she thought I had heard him cry and come and fetched him. I said, 'How dare you say so? You know I could not have done it.' Deceased was a very heavy, strong, large child, nearly four years of age. The morning before, nurse had brought him to my door, and asked me to take him. I told her to put him down, I could not carry him.

"I had told her in the event of anything occurring to the children, she was to come to me—in case of their being ill, or anything to make her uneasy; I would rather be called on any trivial call than not be at hand when I was wanted. When I found he was gone, I was here, there and everywhere, looking for him, and I saw the nurse, who told me the drawing-room window and door had been found open. My husband was in bed. He did not rise until after I had told him the window was open. We were all in a state of bewilderment, going backwards and forwards, from room to room. Before my husband left, I was aware that the blanket had been taken with the child; the nurse told me so. After my husband had left, she came to me to help me to dress; she did my hair. She spoke about the missing child, and she said, 'It's revenge, oh, it's revenge.' The nurse told me she was a light sleeper."

Cross-examined by Mr. Ribton, Mrs. Kent said: "I have never taken the child from the nurse's room to my bed while she was asleep. I may have taken the child from his crib early in the morning, but not without the nurse's knowing of it. When nurse knocked at the door

my husband was in bed. He was between sleeping and waking. He was, I suppose, awake before the knock came. The nurse was aware that I had had bad nights for some time past. She told me next day that she had knocked at a quarter to seven. I do not remember saying to her that I did not wonder at my not hearing her, because I had had restless nights, that I slept sounder in the mornings. I believe I did sleep sounder towards the morning. I can't tell if I slept as long as an hour during the night without being disturbed. It was before Mr. Kent left in the morning that the nurse told me the blanket was gone. I told him just before he went to Trowbridge, when he came to my door to tell me he was going.

"To the best of my belief nurse was always particularly kind to the child, and the child was very fond of her. I was too much agitated to notice if the prisoner was much distressed. I can't tell how long Mr. Kent had been gone before I heard the child was found. Mr. Kent told me first that the child was murdered; they would not tell me of it before. It was after the prisoner knew the child had been brought in dead that she said, 'Oh, ma'am, it's revenge.' I do not remember that I asked her more about it then; she had been directed not to tell me of the death. Mr. Kent told me that the police were in the house on the Saturday night. I saw the drawing-room window open. I saw on the white covering of the carpet the marks of two feet, in men's boots. All in the house saw them, but they were considered of no consequence, as so many persons had gone in and out of the window before that. The housemaid examined the window first, and she told me of the footsteps. I scolded the housemaid because she did not tell me that she found the window open as soon as she saw it. The nurse told me that after she woke at five

o'clock she went to sleep again. I did not see the prisoner kiss the child, but she told me she had done so. She appeared very sorry and cried because he was dead."

Sarah Cox, the housemaid, was then examined. Her evidence was in the main a repetition of what she had previously said. In reply to Mr. Ribton, she said that the reason why she did not raise the alarm immediately she found the drawing-room shutters open, was because she thought one of the young ladies had opened the window overnight to air the room, and had forgotten to close it.

At this point the Court adjourned until the following day.

The first witness examined on Tuesday (September 2nd) was Sarah Kerslake, the cook. She corroborated the evidence of the housemaid, with whom she slept on the night of the murder. She and the housemaid had tried from outside the window to put it in the same state as it had been found on the morning of the murder, and they had succeeded in doing so.

James Holcombe, who described himself as groom and gardener to Mr. Kent, was then called. He said: "I live in a cottage across the road, thirty yards from the house. On Friday, June 29th, it was near upon seven o'clock when I left the premises. Alloway, the boy, left at the same time. He lives at Beckington. I went to the premises about five o'clock next morning. I went out the back way (on the Friday evening) and locked the garden door. On the Saturday morning I went round the house and into the garden, because I have a key which lets me in that way. I found the door safe as usual. There is a Newfoundland dog kept on the premises; at night it roams about the yard. I don't think he is as sharp as he used to be. His barking has awoke me, but I did not hear him bark that night. He sometimes has

kicked up a terrible noise, and I have gone round and quieted him. When I got there on Saturday morning I tied up the dog.

" The boy Alloway came in the morning ; I let him in. He is a helper, and cleans the knives, etc. Shortly before eight I heard the child was gone. Master William came to me and told me that master wanted the carriage directly, and I got it ready. He told me the child was lost, but I cannot be sure whether he gave any directions to search for the child ; I cannot tell, for he went away in a great hurry. When I came in the morning, the garden door was locked. No one could get into the garden, there was a high wall round it. Alloway came about six o'clock ; he had not been in the house before me, we were both in the yard together. I saw Mr. Kent before Master William came to tell me to get the carriage ready. He told me that someone had been and carried away the child. That was all he said."

The next witness called was Emily Doel. She said : " I am assistant nurse to Mr. Kent. I did not sleep there, but went about seven in the morning and returned about seven at night. On the Saturday morning I went about seven o'clock—ten minutes before seven. I went about my ordinary employment. I went into the nursery before any alarm was given of the missing of the child. I went into the nursery several times in the morning and saw the nurse. She did not say anything to me about the child being gone."

Cross-examined : " It was before eight o'clock that I went into the nursery. I saw the nurse ; she was making her own bed. I went in with the bath first, and came out again directly. I did not say anything to her, or she to me. I know she saw me, as she looked round. Mrs. Kent was then in her bedroom. It was before the nurse went to Mrs. Kent to call her that I was in the room."

The Misses Kent were then examined. Miss Mary Ann Harris Kent said: "I am Mr. Kent's eldest daughter. On June 29th I retired to rest about half-past ten. My sister Elizabeth and I slept in the same room on the second floor. We went upstairs together, and I went to bed at once. My sister went to the rooms of my sister Constance and my brother William to see if their candles were properly put out. She soon returned. It was half-past eleven when I got into bed, and soon after I went to sleep. I woke about six o'clock. I slept well, and do not remember that I woke all night. I fastened my bedroom door, and found it fastened in the morning. My sister, to the best of my belief, was with me all night. About half-past seven o'clock nurse came to our door and asked if Master Saville was with me, as she could not find him. I told her he was not with me."

Miss Elizabeth Kent said: "I am Mr. Kent's second daughter. Before going to rest on June 29th I looked into my sister's room and under my brother's door, and saw no light. I then went to a window and looked out for some time after the comet. I then went to my own room, went to bed shortly after twelve o'clock, and then fell asleep. I woke about seven o'clock. I did not wake during the night. Previous to my going downstairs nurse had come and asked after Master Saville."

Miss Constance Emilie Kent, "who sat with her veil down," said: "On June 29th I had been at home from school about a fortnight. My deceased brother was a merry, good-tempered lad, fond of romping: I was accustomed to play with him. He appeared to be fond of me, and I was fond of him. I slept in a room between that of my two sisters and the servants. I went to bed at half-past ten, and went to sleep at once. My sister came to my room to see my candle out. I was nearly asleep then, and was quite soon after. I next woke about

half-past six. I soon after heard of my brother being missing. On the Friday night I slept in a night-dress. I had it clean the Sunday or Monday night previous. I was accustomed to wear the same night-dress a week, and usually changed it on Sunday or Monday. When I got up on Saturday morning I took it off and put it on my bed. The cook and the housemaid usually make my bed.

"On the Saturday night I slept with my sister, Mary Ann. My sister Elizabeth slept with my mamma. My papa stayed up, and I slept with my sister for the sake of company. On the Saturday night I slept in the same night-dress I had worn the night before, and when I got up in the morning I put it in my own room. On the Sunday night I slept in my own room again. I am not certain whether I put on a clean night-dress that night or on the Monday night. One night-dress went to the wash every week. I put a clean night-dress out to air on the Saturday, as I always do. On Monday morning the linen was collected for the wash; it was the housemaid's duty to collect it. It has been stated that one of my night-dresses has been missing; I know nothing of it. I had three night-dresses."

Cross-examined: "I had only been at home a fortnight. I had been away half a year. Prisoner was examined as a witness when I was charged with this murder. The prisoner told me about the missing blanket; but I am not sure whether it was before or after the body was found. I heard the prisoner go to my sisters' door to inquire after my brother."

James Morgan was then called. He said: "I am a baker at Road, and parish constable. On June 30th young Master Kent came to my house, and asked where the policeman lived. I directed him, and P.C. Urch, of the Somersetshire police, called at my house and asked

me to go with him, as he was not at liberty to act, as it was in the county of Wilts. On the way thither we saw Mr. Kent coming out of his house. I ran and asked him what he wanted me and the policeman for, and he said, 'I have had my little boy stolen.' I said, 'You need not go farther than Southwick (a village between Road and Trowbridge. It must be remembered that although the village of Road is in Somerset, Road Hill House is just across the Wiltshire border); you can give information to the Wilts policeman there, and he will forward it to the station and come up here. Mr. Kent said he should go on, and he went towards Trowbridge. He asked me to go to the house and search.

"I went on to the house, and was shown the drawing-room by the housemaid. The window, out of which they supposed the child had been taken, was raised four or five inches, and we next went to the nursery and saw the room. We saw the nurse at the top of the stairs. I asked her to show me the cot where the child was taken from, and she did so. When I first saw it the clothes were quite smooth. There were the marks of where the child had laid on the pillow. The clothes were there as they were generally, the quilt, and so on, turned down. I asked her if she had lost anything else out of the nursery besides the child, and she said the blanket had been drawn out of the child's cot, but there was not anything else missing. Urch and I then went downstairs and examined the premises, to see if any violent means had been used to get into the house, or any marks of disturbance in the drawing-room. We went all round the premises searching. We went down into the cellar to see if the child had been taken down there. As soon as I got out into the court I saw Benger coming with the body of the child wrapped in a blanket."

On being cross-examined, Morgan emphasised the

fact that Mr. Kent could have got a policeman at Southwick. (Southwick is not more than a couple of miles from Road Hill House, and Mr. Kent would have to pass through it on the way to Trowbridge, which is at least four miles from the house.)

Police Constable Urch, the next witness said: "On Saturday, June 30th, Master William Kent came to me and applied to me to go to Mr. Kent's premises. I had been on duty the previous night, and came off at ten minutes past one a.m. I saw nobody of suspicious appearance about. On my going I saw Mr. Kent coming out of his gates. James Morgan and I went to Mr. Kent's house and examined the premises. The nursemaid showed us the cot and the bedclothes. They were quite smooth, as though the bed had been only just made. She turned back the bedclothes and I saw where a child had been lying. The impression of the head was quite plain. I asked her at what hour she missed the child, and she said at five o'clock, but that she did not make any inquiries for it before a quarter to seven. I asked her how that was, and she said she thought Mrs. Kent had heard the child crying and had taken it away. I asked if Mrs. Kent had ever taken away the child before. She said she had not in her time, but she had heard that she did so when the other nurse was there. I asked her if anything else was missing, and she said, 'Nothing but a small blanket which was between the sheet and the quilt.' She said it might have been drawn out without disturbing the clothes, as it was narrower than the sheet or quilt. I then examined the premises. There was no dew on the grass that morning. I went to the house again the next night by Mr. Foley's direction."

So that although Urch would not venture into Wiltshire without the parish constable, he was quite ready to obey the orders of a Wiltshire Superintendent. On

the whole, for reasons which will shortly appear, I am not inclined to attach much weight to the evidence of either Morgan or Urch. It looks very much as though they had agreed upon a story previously, probably after they had been examined by Mr. Slack.

Upon being cross-examined, Urch said: "Another constable named Heritage went with me (on the Saturday night). We were placed in the kitchen at the back part of the house. We did not go to sleep. We stayed till twenty minutes past two, when Heritage, having to go, began knocking at the door. I was sitting down in the chair, and he knocked to get out. I said to him, 'You are making noise enough to disturb the whole house.' He said, 'I'm locked in, and must get out.' Mr. Kent came in about twenty minutes and let us out, and Heritage said, 'I don't know how we came to be locked in in this manner.' Mr. Kent said nothing but 'I've been walking about.' I stayed till six o'clock, when Mr. Kent came and said it was time for me to go, as the servants would be getting up. I have never told anyone that we went to sleep that night."

The oracular William Nutt was next called. He was a hopeless witness, contradicting himself freely under cross-examination. But he insisted upon sticking to his point, that he "predicted" that a dead child would be found rather than a living one.

Thomas Benger proved the finding of the child, and said that Mr. Kent had told him that he would not begrudge ten pounds if the child could be found.

Superintendent Foley then appeared as a witness. He said: "In the nursery, in answer to my inquiries, about half-past nine on the Saturday morning, the prisoner pointed out the cot which the child was taken from, and showed me how it was left when the child was taken out. She told me the child was covered with a sheet, blanket

and quilt. She also told me that the night before, she had covered the child, tucking the sheet and quilt under the bed on both sides, and that in the morning she had found the sheet and quilt turned back, but had never missed the blanket until the child was brought in wrapped in it. I cannot say whether she could or could not have seen whether the blanket was gone. I believe she could not see it was gone."

At this point the piece of flannel came under discussion. Superintendent Foley proved the finding of it in the closet. Appealed to by Mr. Ribton, Sir John Awdry, the chairman, remarked that even if the flannel was proved to belong to the prisoner, it would only serve to show that the murder had been connected with her room, which the loss of the child already proved.

Superintendent Foley was then cross-examined, and said: "The blanket was shorter and narrower than the other clothes, and might be drawn away without disturbing them. It would have to be loosened on one side, I think, before this could be done easily. The prisoner did tell me, I am sure, that she did not know the blanket was taken until she saw it brought in with the child. Mr. Kent told me twice, in the presence of Mr. Wolfe, that he did not know the blanket had been taken away until he came back the first time (*i.e.* from Trowbridge). I have heard that Mr. Kent said here yesterday that he did know the blanket was taken away before he went to Trowbridge. However, this does not shake my evidence on this point at all.

"I know when the prisoner left Mr. Kent's—August 27th. Up to that time she had always seemed willing to give every information she could on the matter, and I never saw any inconsistencies in her statements. She went away with her father, and when she got home she sent me word that she had done so, that she would at any

time come forward and give evidence if I gave her notice, and that she would not leave home without letting me know of it. I knew that the two policemen had been locked up, and was very much surprised when I heard of it. They were very nearly discharged for letting themselves be locked up. My arrangement with Mr. Kent was, as I understood, that they should have the range of the premises."

Henry Knowles, a sweep, testified to having swept the kitchen and nursery chimneys on the day before the murder. P.C. Heritage corroborated Urch's evidence as to the "locking in" episode.

Superintendent Wolfe was then called, and said: "On Monday, July 2nd, I went over Road Hill House, to see if any person could have been secreted in the house. I went first to the spare room, and Mr. Kent, who accompanied me, said, 'Here is a room which is not often occupied.' I looked in and saw that it was furnished ordinarily, and said, 'Surely no one would secrete themselves here, as they might not know but that they were coming in here.' The next room was a lumber-room, filled with children's toys and so on, and I said no one would know but that the servants were coming into this room also. The only place which I could find in which it was likely anyone could be secreted was under the roof above all the rooms. The access to this from the house was difficult, but there was a small window coming in from the roof. I saw nothing to indicate that anyone had been there.

"On August 1st I was with Captain Meredith, and had a conversation with the prisoner. She said, 'It was half-past ten, or twenty minutes to eleven, that I last saw Mrs. Kent on Friday evening, June 29th.' In reply to a question she said, 'The first time I missed the blanket was when the child was brought in dead; I

went and looked into the crib when I went up to dress Mrs. Kent's hair.' She frequently repeated this.

" Prisoner told me that when she awoke, about five in the morning, she saw the child in the little cradle by her side was partly uncovered; she raised herself up on her knees to cover him up, and then saw that the deceased was gone. I tried the experiment to see whether this could be done. It was done in the presence of Mr. Dunn, who took a garment and put it along the cot, and I could not see it when kneeling. Looking over the cot we could not see the child. The side of the cot was cane, and looking at it in that position, sideways, the cane appeared solid, and I could not see through it."

Cross-examined: " Prisoner at all times manifested an inclination to answer all my questions. She said to me once, ' If I knew about the murder, do you suppose I could have kept it for five weeks ? ' On July 7th she said, ' I know nothing about it; who came into my room and who went out I cannot say. I did believe, and do now, that someone was secreted in the house that night. How is it that we hear very often of people secreting themselves in houses, sometimes for a robbery ? ' And again she said, ' The night-light in my room was quite burnt out in the ordinary way; it does not burn quite six hours; it was lighted rather before eleven, and quite out when I first saw it. If I had known anything I should have told Mr. Foley on the Saturday morning. What advantage would it be to me to keep anything ? ' Mr. Kent pointed out to me a spare room, in which he said there might be someone concealed. There was a sofa in the room; no one could have been under that without being seen. I apprehended the prisoner at her father's house."

At this point the Court was adjourned until next day. The first witness on Wednesday, October 3rd, was

William Saville Kent, who had been brought from school at Worcester. He testified that he had heard nothing during the night of the murder, and described how on the following morning he went to fetch the policeman Urch and Dr. Parsons. Daniel Oliver, a jobbing gardener, who occasionally worked for Mr. Kent, proved leaving the house on the Friday evening at half-past seven, and arriving the next morning at quarter-past six. He assisted in searching the premises.

John Holliday, or Alloway, was then called. He is described as "a stupid-looking lad, aged seventeen." He said: "I am a day labourer, living at Beckington. On June 30th I was in the service of Mr. Kent at Road Hill House. I did the general rough work of the house, such as cleaning the boots and knives. I did not sleep in the house, but I went in the morning and took my meals there. I was there at work on Friday, June 29th. I left about seven o'clock. Holcombe and I left together. I saw Holcombe lock the door; I then went home to Beckington. When I got to Road Hill House on the Saturday morning I saw Holcombe there, and I went to the stables and asked him what he had to give me to do. He told me to go into the greenhouse and water the plants, and I went in. It was then about half-past six, and I took the knife basket from its usual place on the board in the kitchen and carried it out into the shoe-house. I then took the knives out of the basket, and then took up the boots and began to clean them. I did not look at any of the knives in particular; there was nothing on any of them that specially attracted my attention. They were all there, so far as I saw; I did not count them. Holcombe then came in, and as he wanted me to do something else, he cleaned the knives. On the previous evening I had been using the wheelbarrow, and made some footmarks by the drawing-room window.

Oliver noticed them next morning, and said to me, 'Someone has been in here.' I told him that they had been made by me the day before."

The next witness was Mr. Parsons, the Beckington surgeon. He described the wounds, spoke of his opinion that no "laudanum or other narcotic drug had been administered to the deceased," and mentioned the aperient pill. Then, to everyone's astonishment, he went on to give quite a different theory of the murder to that he had previously held. "There was a dark appearance round the mouth which indicated that there had been strong pressure upon the mouth for a considerable time, and with a soft substance. The time might have been from five to ten minutes. The wound in the throat divided all the large arteries. At the time it was my impression that the throat was not cut in the place where the body was found, because I saw no jets of blood near it. If the heart was beating when the throat was cut the blood would spurt from the arteries. It has since occurred to me that circulation had been stopped by pressure on the mouth before the throat was cut. In that case life would have been almost extinct before the throat was cut."

Cross-examined: "My own opinion is that the child was first suffocated by pressure on the mouth, and that after that the throat had been cut. I cannot say positively that the wounds had nothing to do with the death of the child. I cannot say it was quite dead when the wound on the throat was inflicted. Whether the pressure on the mouth was the cause of death or not I cannot say positively. I am positive there must have been some pressure."

It was then proposed to examine the little girl, Mary Amelia. Mr. Saunders pressed the point, as she had been sleeping in the room with her father and mother.

She was brought in in the arms of her sister Elizabeth, but " as she seemed exceedingly timid and cried, and was unable to answer any questions as to the nature of an oath, she was not examined."

Mrs. Dalimore, wife of a police constable, said that the latch of the nursery door made a creaking noise if turned by a stranger. The nurse had said to her, " This is done through jealousy; the little boy goes into his mamma's room and tells everything." She had examined all the night-dresses, and had seen no difference in the amount of wear between any of them. The prisoner had said to the men who emptied the closet, " Nor will you," when they said that as yet they had found nothing. She had tried to fit the piece of flannel on all the females in the house, and it fitted no one except the nurse.

Mr. Kent, recalled, agreed that he said when before the magistrates that probably either some discharged servant or someone well acquainted with the house had committed the murder. A servant who had left some eight or nine months before had given expression to sentiments of revenge. She had said that his children were horrid children, and had used threatening expressions against Mrs. Kent and the children. She had left in a dreadful rage. Only one servant had done so. When she left she had been excessively insolent.

The Court then adjourned. The first incident on Thursday, October 4th, was curious. A statement having been made to Mr. Ribton by a local reporter, with regard to the evidence given by Mrs. Dalimore the previous day, he was able to discredit this lady entirely, by causing her to contradict herself in nearly every statement she had made.

Mr. Ribton then made his speech for the defence, which lasted two hours and a quarter. His principal points were as follows :—It was not impossible that some

person had been concealed in the house, and, having committed the murder through malice towards Mr. Kent, had got away undiscovered. Suspicion pointed with equal strength against Mr. Kent and Constance as against the prisoner. As to the three things urged against the prisoner. The alleged inconsistencies as to the time at which she discovered the blanket to have been removed, showed, even if they were proved, that in her agitation she had made a mistake. Even if the flannel did fit and belong to the prisoner, of which there was no proof, this would only show that the murderer had been in her bedroom, which was obvious from the removal of the child. As to the possibility of seeing into the cot from her bed, it would be ridiculous to interpret the phrase "kneeling up" too strictly.

The scene which followed is thus described by the *Journal*:

"The magistrates having retired for an interval, on the Court resuming, the prisoner, and indeed all in court, appeared greatly agitated and excited.

"Sir John Awdry announced that the magistrates had determined on not committing the prisoner for trial, although there was a case of grave suspicion against her, and material had been adduced which, with additions, might hereafter be brought to bear against her. They would bind her accordingly to appear when called on, in two sureties of fifty pounds each. He also adverted to the excellent previous character which she bore, and to the discreet way in which she had conducted herself since the murder. Applause greeted the announcement of this decision. . . . Elizabeth Gough returned home by the last train in the evening, and thus doubtless has terminated another strange episode in this marvellous mystery."

CHAPTER VII

The *Somerset and Wilts Journal* contained some very interesting comments upon this examination, and upon various events connected with it. Since they were very obviously "inspired," they are worth quoting.

"We are glad to find that the temporary dismissal of the charge against Elizabeth Gough appears to have given general satisfaction. Few things have been done in the course of the various inquiries which have met with public approval, but although the conduct of Mr. Slack has been sharply stigmatised, the decision of the Bench has been universally endorsed. Few persons, however, are aware how nearly that decision was to being reversed, and, were English law more closely assimilated to the Scotch, were it possible that the verdict 'Not proven' could have been given at her trial, the magistrates would, we have every reason to believe, have committed her for trial. But, remembering how meagre was the evidence before them, how certain it was that no jury would on such evidence convict, and that, if acquitted, she could never again have been arraigned for the offence, even on her own confession, they hesitated, and most properly, to run the risk, even although they thus quenched the active investigation which would have in the interval been carried on. So nearly, however, was the balance wavering, that the prisoner's own solicitor and counsel, five minutes before the decision was given, believed that she would be committed on the minor charge, as an accessory. . . .

"The hypothesis sketched out by Mr. Ribton with much ability in his speech for the defence, that the murder was committed by a non-resident, has more to substantiate it than some people are disposed to admit. An intimate personal knowledge of every room and closet of Road Hill House, from garret to cellar, convinces us that it would have been perfectly possible, not only for one but for half a dozen persons to have been secreted on the premises, without risk of detection, on that night. The evidence of Superintendent Wolfe—an officer of great ability and integrity—strikes us in this respect as most extraordinary. In no house of nineteen rooms that we know do we remember greater facilities for concealment. A cellar, divided into six large and small compartments, is entered by two several doorways and pairs of steps. Midway up the back staircase is a large empty cupboard. A spare bedroom over the drawing-room contains a bedstead with valances, a dressing-table with a covering reaching to the ground, and two large and lofty closets, one of which is nearly always empty, and can be locked both inside and out. On this floor also are two small rooms, opening out of one another, and each partly filled with lumber. This does not include Mr. and Mrs. Kent's bedroom and dressing-room, or the nursery and its dressing-room, all of which are on the same floor.

"On the floor above is a second spare room, the bedstead having valances, a table, screen and closets as in the room below. The bedrooms of the two servants, of Miss Constance and of the two Misses Kent are in front, and Master William's room at the back; in addition to these rooms are two small rooms, one almost empty, and the other containing Mr. Kent's travelling apparatus; a large, long closet, in which a dozen men might stand side by side, and a small room without windows, containing two

water tanks, and a ladder which communicates with the loft and the roof. The main stairs are of stone, covered first with brown paper and then with a thick carpet. All these we have ourselves seen.

" It is also argued that on the night of the murder the drawing-room window was left open till past nine at night; that that evening also the washing was brought home the back way, by persons who were heard but not seen by anyone in the house; and that the nursery window looks on to some flat leads, twenty feet from the ground, up to which a ladder then being used by bricklayers was placed. It is further contended that the house is intimately known to the villagers, they having had the run of the house in a singular manner during the two years that it was void, previous to Mr. Kent's occupation; that this was so marked, that when the house was being prepared for him, several times the stairs had to be painted, owing to the mischievous intrusion of village boys.

" Finally, Mr. Kent is represented as being very unpopular of late, owing to his having recently discovered and turned out of a factory at Trowbridge, twenty boys and girls who were at work under age, to his having prosecuted a boy for stealing apples, and a man for poaching fish in the river, the father of the boy being Nutt; that he quarrelled with Benger about some short-weight coals, and that both those men who found the body are related to Hester Holley, the washer-woman, who is related to Emma Sparks, a servant who was discharged owing to a disagreement eighteen months ago.

" But whilst we have, from a sense of justice, given thus fully what may be regarded as the defendant's case, we unfortunately cannot coincide in the inference intended to be conveyed. Our charity may hope all things, but cannot believe all things. One or two important circum-

stances prevent our belief in the possibility of the murder being committed by a stranger.

" A man may have been secreted in the house, truly, but did he return three days after and purloin a night-dress ? A non-resident could have crept in at an open window, but could he have gone into a room, eighteen feet by fourteen, in which three human beings were lying, in which a night-light was burning, and the brass ring round the door-handle of which, being loose, rattled ; could a stranger, we say, have gone into the nursery and abducted a child four years of age, have drawn out the blanket and readjusted the clothes, without enormous risk of discovery ? The idea strikes us as preposterous. But for an inmate of the house to be found in the room, male or female, would not have been alarming, an excuse of ' smelling fire ' or ' hearing a noise ' would have quieted the nurse's surprise, supposing, that is, she was not implicated. The missing night-dress of Miss Constance Kent was not lost by accident. Three witnesses swear positively that it was placed in the basket to go to the wash. Three other witnesses are equally positive that, after a watchful transit of a few hundred yards to Mrs. Holley's house, that night-dress was not present. Mrs. Holley had everything to lose and nothing to gain by the abduction. She has lost the greater part of her week's earnings by the removal of Mr. Kent's washing elsewhere ; this she must have foreseen, and could not have hoped to reap advantages for herself from any reward which should be offered. On the other hand, her complicity—and for twenty years her character has been unimpeachable—would presume a diabolical conspiracy between at least five persons—a thing not to be imagined.

" If it be evident, then, that the household must be held responsible for the crime, the circle of suspicion is

vastly narrowed. By common consent three of the household only are suspected of complicity, two of whom are now out on bail. For the third, we confess we cannot see adequate motive for the crime, and *if Mrs. Kent's evidence could be relied upon* (the italics are mine) it would exonerate him, even were his contradictory statements and unaccountable acts more suspicious than they unquestionably are. Concealment of such a comparatively slight offence as is supposed would hardly adduce even an attempt to escape a child's observation, certainly would not impel to the destruction of a dearly-loved child. Undue familiarity would also most probably have been previously observed. . . .

" Much of the suspicion attaching to Elizabeth Gough's subsequent conduct is removed by the fact that all depends upon her own volunteered statement, which would have been either altered or suppressed to suit her premeditated purpose. Her early knowledge of the absence of the blanket is the only strong point against her, respecting which she would do well to volunteer a prompt explanation."

Some other facts came out during the days following the inquiry. Dr. Parsons had handed a statement to the magistrates, to the effect that Mr. Kent's mind was so shaken by what he had undergone that no dependence should be placed upon what he might say. How much reliance can be placed on this statement it is difficult to estimate. Dr. Parsons seemed to be unable to make up his mind as to the cause of death, and he appears throughout as one of the unsatisfactory elements in the case. The probability seems to be that Mr. Dunn was as conscious as anybody else that Mr. Kent's behaviour throughout had been open to question, and that a hint had been given to Dr. Parsons.

The *Journal* contains two paragraphs which throw curious side-lights upon the case. "As the prisoner was not committed for trial, for the whole of the labour of the Trowbridge magistrates' clerk, including the copying of eighty-four folios of depositions, that gentleman receives not one farthing remuneration." And—

"We are authorised to deny the absurd statement of the *Manchester Examiner*, that Miss Constance Kent has, since her discharge, had one or more offers of marriage. She has had unnumbered invitations from strangers to visit them, however, some being from the aristocracy."

The Kent family, and especially Mr. Kent himself, were exposed to a good deal of annoyance after the examination of the nurse. On the following Sunday, "as Mr. and Mrs. Kent were on their way to church, a large party collected round the gates, and yelled and hooted at them, calling out, 'Who murdered the boy?' 'Who killed his child?' and similar invectives, causing Mr. Kent considerable difficulty in getting his wife into church, she being almost in a fainting state. Whatever may be the suspicions or feelings held, these are not appropriate methods for their manifestation, nor is it right that carriages should be driven through his grounds by inquisitive gentlefolk, as is now constantly the case since the police surveillance has been removed."

At the Wiltshire Michaelmas Sessions, on October 16th, the magistrates discussed the next step which should be taken in the investigation of the murder. Captain Meredith, who was questioned as to the mysterious adventure of the policemen Urch and Heritage on the Saturday night, replied that "he could not blame the two policemen who were locked in the kitchen, because they were not aware that they were locked in until two o'clock." One would have imagined that this was exactly where

they were to blame. He also remarked that they went to the house at the request of Mr. Kent "for the protection of the family," and also that, in any case, "they could have got out through the back door into the yard where the dog was!" Under the circumstances it is not remarkable that they preferred to hammer on the door.

At this meeting Mr. J. B. Saunders first appears on the scene. He was a retired barrister who had enjoyed a considerable reputation in the Court of Chancery, and was now a J.P. for Wiltshire, living near Bradford-on-Avon. On this occasion he made a speech, in the course of which he said he would refrain from using the word murder, as it appeared possible that it might turn out to be a case of manslaughter only. He had been informed that a great deal of evidence could be adduced which had not as yet been publicly given, and he therefore moved the appointment of a special committee of magistrates to inquire into the circumstance of the death. The locking up of the police was a most unaccountable proceeding, and he believed that evidence could be brought forward to show that a light was burning in the hall as late as one o'clock on the night of the murder, though all the inmates said they went to bed before midnight. Further, it had never been proved that an old scythe might not have inflicted the injury, and he asked if the garden tools had been examined.

Another magistrate, Mr. Sotheron Estcourt, opposed any further investigation into the matter at present, as it was best not to keep up a continual agitation in the minds of those from whom they might hope eventually to obtain positive evidence, but rather to trust to some incautious word or deed on their part hereafter.

This very sound advice did not appeal to Mr. Saunders. He seems to have adopted the rôle of amateur detective,

and to have spent several days listening to gossip in the village of Road. He then went to London, where, he stated, he secured an interview with the Home Secretary. Finally, availing himself of his position as a magistrate, he took possession of the Temperance Hall, and opened what must surely be the most extraordinary inquiry ever undertaken in the name of justice in this country. Yet, in spite of its absurdities, this inquiry revealed an extraordinary fact which had not hitherto come to light, and which, had it been divulged at an earlier stage in the proceedings, might have put an entirely fresh complexion on the case.

Mr. Saunders' inquiry opened on Saturday, November 3rd. It would be quite impossible to give the proceedings in full within the limits of a single volume, nor would this serve any useful purpose. The following brief résumé is an attempt to extract the few interesting points raised from the farrago of nonsense in which the greater part of the sittings were wasted.

The proceedings opened with a long speech by Mr. Saunders, in which he reviewed the past inquiries, and expressed the hope that something might now be proved which would facilitate the ends of justice. He proposed to examine the whereabouts of certain persons prior to the date of the murder.

The first witness called was one J. Fricker, a plumber. He said: "I have not been examined before. On the Wednesday before June 30th, a lamp or lantern was brought to me to be repaired from Mr. Kent's. It required a pane of glass, which I was to get put in on Wednesday, but I did not do so that day. The boy Alloway came for it that day, and said his master wanted it particularly. He called for it on Thursday three times, but as I was rather busy, and thought a lantern could not

be much wanted in the summer-time, I did not do it. On Friday I did what was required to it, and it was taken away."

Mr. Saunders: "Did it strike you as being somewhat singular to require a lantern in such a hurry in summer-time?"

Fricker: "Not at first, sir, but it has since."

Mr. Saunders: "Well, then, go on. What more have you to say?"

Fricker: "Nothing more that I know of, sir."

This is given in full as an example of Mr. Saunders' methods of examination. In reply to a question by Captain Meredith, Fricker added: "I do not know whether Mr. Kent was at home at that time. The boy said that his master wanted the lantern very particularly."

Mr. Saunders then asked whether anyone could state whether Mr. Kent had slept at home during the night in question. Receiving no reply, he then remarked that there might be other means of clearing up the point. Did anyone know if Mr. Kent was at church on the Sunday previous to June 29th? Several persons in the audience replied in the affirmative, upon which a general discussion took place as to Mr. Kent's movements, which Superintendent Wolfe terminated by objecting that Fricker had not before made reference to the words that Mr. Kent particularly wished to have the lantern. Mr. Saunders brushed this aside, and said that they had now established an important point which had not previously been revealed.

Mr. Happerfield, a grocer and the postmaster of Road, next appeared. He was full of mysterious suggestions. He recounted an involved story of how he had received a certain letter for a certain person, in which another person confessed to participation in the murder. On being pressed, Happerfield declared that he was only a

third party, and of his own knowledge would not be able to prove what was required. In spite of a lengthy discussion, nothing came of this promising clue. The police present appear to have purposely burked the subject. Mr. Happerfield, continuing, said that, as he had formerly been parish constable, he had recommended Morgan, his successor, to summon " men of judgment " to form the coroner's jury. Acting on his advice, Morgan had substituted Mr. Peacock for Nutt, the cobbler.

A " Mr. Arthur Langley," occupation not given, had deposed that on the night before the murder he saw Mr. Kent standing in a field near his house. He watched him for nearly five minutes, and he did not move. Although cross-questioned at great length, Langley had nothing further to say.

Ann Stokes, the sister of the saddler, in whose house, it will be remembered, the witnesses were assembled during the inquiry which preceded the arrest of Constance Kent, was then called. She said : " On the day when Elizabeth Gough was examined here she was in our house before she was called in. I remarked to Inspector Pitney and the nurse that something was found out. Mr. Pitney went outside, and when he came back he said that he thought so too. Upon this the nurse became very excited. She walked to and fro the room, and, pressing her hands to her side, said she felt as if the blood had gone from one side to the other. She also said that she would not hold out much longer, and that she would not have held out so long, but that Mrs. Kent had asked her to do so for her sake. Some time after she remarked that she had since the murder pulled out two or three grey hairs from her head, a thing which she had never done before ; that no one knew how she suffered, and that if anything else occurred she thought she would die."

Inspector Pitney, who was in charge of the nurse at

that time, corroborated this statement. A further discussion ensued, at the end of which Pitney and Mr. Saunders made a joint statement, which revealed the latter's recent activities as a detective. It appeared that on the Wednesday previous to the opening of the inquiry (October 31st), between six and seven o'clock, they and " another person " were walking in a field leading to the Tellisford road. (What is here described as the Tellisford road appears to be a lane on the opposite side of the River Frome, from which a view of the back of Road Hill House can be obtained. This lane actually leads from Road to the neighbouring village of Tellisford.) They noticed a young lady, dressed in black, with a white petticoat, coming towards Mr. Kent's gate, and they watched her. At first she made as if she would enter the gate, but she paused at it and went on, and then came back, and at last went in. Shortly afterwards Mr. Saunders saw a light in a certain room in the house, and in the window was the reflection of a young person apparently combing her hair and taking off her bonnet. Thinking somewhat of the incident, he directed Pitney to make inquiries who the young lady was, and Pitney could only determine that she was not one of the Misses Kent, as neither of the latter had been seen wearing a hat since their brother's death.

Mr. Saunders then made another statement. On the night of June 29th two young men went to spend the evening at the house of a certain person in the village. This person being unwell, and not being desirous of having the company of the men too long, put on her clock two hours. They stayed until one o'clock by this clock, and when they went home (actually some time after eleven) they saw a light burning in Mr. Kent's hall. In the course of a general conversation which ensued after

these wholly irrelevant remarks, Mr. Saunders hinted darkly at the contents of a remarkable letter which he had received, to which Captain Meredith replied that he had received over two hundred such letters. This seemed to disappoint Mr. Saunders, and he adjourned the inquiry until the following Monday.

When the inquiry was resumed on Monday, November 5th, Mr. Saunders opened the proceedings with his usual speech. He expressed his regret that some brother magistrates and Captain Meredith, whom he had expected, were not present. He assured his audience that there were, locked up in his breast, many circumstances of a private nature which he could not, consistently with the interests of public justice, at present divulge. All, however, should be divulged at the proper time, but at this moment, if anybody asked him a question, as to what he thought of his plan of holding the present inquiry, he would say that he was of opinion that it was one which would tend to elucidate the affair, and he was there ready to receive any information on the subject, openly, plainly, and in the face of day.

The examination of witnesses was then proceeded with. A Mrs. Webley came forward and stated that she had seen the deceased at church with Mr. Kent on the Sunday morning previous to the murder. Mr. Saunders then endeavoured to trace the movements of Mr. Kent during the ensuing week. "Is there anybody here who can give any account of Samuel Saville Kent's proceedings on the Monday after Midsummer's Day? (No answer.) Is there anybody in this room who knows of any other person who saw Mr. Kent on Monday, June 25th? If so, let them speak out without fear, favour or affection. (No answer.) Perhaps you will make inquiry about it among your friends. Is there anybody here who saw him on

Tuesday? (No answer.) Let them make a like inquiry among their friends. Is there anybody here who knows anything about Mr. Kent's proceedings on June 27th, or is there anybody here who knows anybody that does? (No answer.) Now then, is there anybody here who saw Mr. Kent at home on the 28th? Let the people say." (Still no answer.)

A Mrs. Silcox was then called and said: "On the morning of June 30th I went to Road Hill House, and was told by Mr. Parsons to assist Mrs. Holcombe (the coachman's wife) in laying out the child. The nurse was also to assist, but she did not. She never came near the place. On the Monday night I was sent for again, to put all things in place. The nurse was with me then; she did not say anything particular to me. She and the housemaid took the remains of the child upstairs. The body was in a shell. I have told all that I have now stated to Mr. Slack. Mr. Foley came to me with Mr. Wolfe, and I believe I told them what I have now stated. I have never been examined in public before."

Superintendent Foley, on being appealed to, stated that the body of the child was in his custody, and that he saw the nurse and other female inmates of the house come and kiss the body. After the inquest was held he gave up the key of the room in which the body had been lying, and it was taken upstairs. It appeared to him that the old lady (Mrs. Silcox) wished to make out that the nurse was shy of coming into the room where the child was. At this Mrs. Silcox interrupted indignantly that she never said so. Mr. Foley continued: "As far as I recollect, the nurse kissed the child every time she came into the room while I had charge of it. I left Heritage and Urch in charge of the house when I left on Saturday night; they are the two men who were locked in on that night."

Then came rather a curious incident. Mr. Groser, the reporter of one of the local papers, made a statement to the effect that Superintendent Summers, late of Frome, had told him that on the Sunday after the murder he saw in the passage of Road Hill House, by the front door, one or two spots or smears of blood. He (Summers) said he had not mentioned it to anyone, and gave a reason for so doing.

Superintendent Wolfe said that he had seen Mr. Groser scores of times since the murder was discovered, but this was the first time he had heard anything of these blood smears.

Mr. Groser, in reply to Mr. Saunders, said that he had been on the premises several times since Summers made the statement to him, but he had never looked for these marks of blood. Summers did not make the statement to him until a fortnight after the murder had been discovered.

Superintendent Foley said that he had minutely examined the premises on the morning after the murder, but could find no traces of blood. Had he done so, he should have formed the conclusion that the child's throat had been cut in the house.

Shortly after this, the inquiry was adjourned until the following day. At its resumption the boy Alloway was called. He had nothing interesting to say, beyond the fact that he was present when Millett, the butcher, picked up the piece of paper on which the knife had apparently been cleaned.

The next witness was a Mrs. Quance, whom Mr. Saunders addressed as follows: "Now I am told, and three persons are ready to swear, that you or your husband said that they saw Mr. Kent, about five o'clock on the morning of the murder, in a field near the house. Is that true or false?" Mrs. Quance: "It is false."

The witness then appealed to a Mr. Wilkins, who was present, whether he had ever heard her husband say such a thing, to which Mr. Wilkins replied that he had. Mrs. Quance: "Well, I don't care, I never said such a thing."

Mr. Saunders then pointed out that there were now four persons who testified that such a statement had been made by Mrs. Quance or her husband. A wrangle ensued, at the end of which Mrs. Quance reiterated her statement that she had never said anything of the kind. As to her husband, he would rather have his head chopped off than say anything that was not true. In her opinion the murder was too cleverly done ever to be found out unless someone "peached."

One of the coroner's jurymen then said that he believed as many as nine out of the twelve jurymen were dissatisfied with the conclusion which was arrived at. It was only a partial examination which took place, as he expected that the whole household of Mr. Kent would be then and there examined. There was an objection raised to that, and some of the jury were very much excited in consequence, but finally it was carried to have an open verdict. In short, there was not sufficient time given them in which to learn all the circumstances. The inquiry was then again adjourned.

Wednesday's sitting was not productive of anything of very great interest. Mr. Saunders said that the matter of the mysterious young lady had been cleared up. The person whom he had seen to pause at the gate had not in fact entered the house, and the girl he had seen at the window had been the eldest Miss Kent. He then asked the reporters present for their advice as to whether or not he should adjourn the inquiry. Mr. Austin, of *The Times*, as their spokesman, suggested that as an application was about to be made to the Queen's Bench

for a reopening of the inquest, it might be as well to adjourn until the result of this application was known.

But Mr. Saunders, in spite of the fact that no one seemed disposed to take his inquiry seriously—on that particular day his audience consisted of "five or six men and a score of women," and the only representative of the police was the faithful Pitney—was loth to take this course. The inquiry therefore continued, and Mr. Groser again appeared. He said that he was at Road Hill House on the day of the inquest, and while the jury was upstairs examining the nursery, he was standing at the foot of the stairs. One of the Misses Kent, he believed Miss Constance, came part of the way downstairs, but retreated upon seeing him. This fact, he considered, was of some importance when it was remembered that just about that very time Miss Constance sent the housemaid for some water, alleging, as a reason for not going herself, that some persons were there. This might tend to support her statement. Mr. Groser also said that he placed no dependence upon what Superintendent Summers had told him about the blood stains, and therefore had not previously mentioned the circumstance.

It was on the Thursday that the one astonishing fact that this burlesque inquiry revealed was elicited. P.C. Heritage was called, and said that he was told by Superintendent Foley to go with Urch to Road Hill House at eleven o'clock on the Saturday. Mr. Foley had said that Mr. Kent would tell them what to do. They were to go quietly, as Mr. Kent did not want the servants to know they were there. He did not see Sergeant Watts there, as it was dark.

This is the first mention of Sergeant Watts. P.C. Urch, on being called, said that this Sergeant Watts was at Road Hill House about 1 p.m. on the Saturday following

the murder (June 30th), and stayed there the whole afternoon. "I was there when he found certain things. It was a shift, perhaps a day shift and a night one also. It was found in the boiler-hole in the back kitchen. (It should be explained that the ordinary kitchen copper is known as a boiler in this part of Somersetshire.) It was just as if it was put to light the fire. It was dry and very dirty. There was some blood on it, several spots on the tail end. The blood was dry, and Sergeant Watts carried it out into the wash-house. It was a coarse shift, such as a servant would wear. I saw no initial on it. It was not one belonging to a full-grown person. Watts took it away, I did not touch it. We thought it was of no use; none of us thought that it had anything to do with the murder, or that the person who wore it did the murder. We could not tell who it belonged to. It was not half covered with blood; it might have been a quarter covered. On the Sunday it was brought back by P.C. Dalimore and put under the boiler again. I can't say if it were the Tuesday it were brought back. Dalimore told me that Mr. Foley had said it was no use. I have never given evidence of this before."

P.C. Dalimore was then called. He said: "I was in the kitchen when the dirty shift was found. Watts took it out and took it to the stable. As we were going Mr. Kent met us and asked if we had got anything particular there. We said 'No.' We took it to the stable and examined it; we found it was old, very old indeed, and there was nothing on it but what might have come from natural causes. Watts told Mr. Foley that we had better put it back again. Mr. Foley told me to keep it, and I took charge of it. Mr. Foley showed it to Dr. Stapleton of Trowbridge. Dr. Stapleton said there was nothing on it but what might have come from natural

causes. Mr. Foley then told me to put it back again in the boiler-hole. It was not far back in the hole; it was not sooty; it must have been a poor one and put there on account of its being old."

Superintendent Foley, who arrived at this juncture, refused to say anything about the shift. He read a letter which he had received from Superintendent Summers, denying that he had ever told Mr. Groser about the blood stains, and adding that he had been already put to great expense in connection with the case, towards which he had not received a farthing. He declined to attend Mr. Saunders' inquiry unless he were summoned.

During the following week this inquiry fizzled out, without anything else of interest having been elicited. The impression it created can be gathered from the comment of the *Journal*.

"Mr. J. B. Saunders, a Chancery barrister of many years' successful practice, has become possessed of a vehement desire to be the means of bringing the perpetrator of this crime to light. For days he has been wandering in the neighbourhood, making himself acquainted with the locality, the villagers, and as far as possible with the minutiæ of the murder. At length the information he acquires presents itself to his mind as being new discoveries, the secrets 'locked up within the breast' become too weighty for him, and he adopts a novel and most undesirable method of obtaining ease by putting the public in possession of all that he had heard, seen, imagined, or that he might by perusal and direct appeal be able to screw out of anyone connected with the event, directly or indirectly.

"As a magistrate, he was able to secure the assistance of the Wiltshire constabulary, and having obtained the loan of the Temperance Hall, he has there for the last six

days sat in state, hearing and talking to his heart's content. We would not impugn Mr. Saunders' motives, undoubtedly they are most praiseworthy; but by indulging in a species of buffoonery, and by repeatedly expressing a sense of the professional importance of the most immaterial statements, he has thrown discredit upon the whole of the subsequent proceedings, which perhaps otherwise they would not have incurred. . . . Stimulated with excitement, if not with rum and water, Mr. Saunders brought out prominently to view the eccentricities by which he is distinguished, and he has laboured under this great delusion, that nothing could have been known to, and acted on by, the police which had not been formally taken in evidence. Meanwhile, the inquiry is to be reopened, and we have conversed with Mr. Pollaky, the superintendent of Inspector Field's detective force, who is now engaged in inquiries bearing on the deplorable crime."

On November 6th, while Mr. Saunders was enjoying himself in the Temperance Hall at Road, his colleagues held a meeting at Trowbridge. The meeting was called at the request of Mr. Slack, Mr. Saunders' rival, who was still trying to solve the mystery. "From a reliable authority" the *Journal* learnt that the meeting expressed a wish that the matter should be further inquired into by some constitutional means. Mr. Slack announced that he had been in correspondence with the Attorney-General, who was of the opinion that the inquest had not been fully and properly conducted, that the coroner had not done all that was required by his office, and that it would be a proper case for an application being made to the Court of Queen's Bench; that the Lord Chief Justice, as chief coroner of England, would be pleased to order a second inquest, under a writ of *melius inquirendum*,

provided the circumstances of the first inquest, as reported, could be authenticated by proof.

"The magistrates present entirely coincided in the propriety of such an application being made, and authorised its being carried out. . . . The reopening of the inquest therefore appears highly probable, for the Attorney-General, on having the affidavits of the original inquest submitted to him, must at once perceive—as indeed every person who has read the proceedings must have done—the insufficiency of that inquiry. The magistrates who had taken these proceedings, and who had been interested in the case from the commencement, wished it to be understood that they were in no way connected with the investigation then proceeding at Road, nor were they at all influenced by it."

A letter which appeared in the *Morning Post* of November 15th, 1860, throws a curious light upon the relations which existed between Mr. Kent and his legal advisers. It is signed by Mr. Rodway, who, it appears, was Mr. Kent's solicitor before the murder. It will be remembered that Mr. Rodway was, at the time of Constance Kent's appearance before the magistrates on July 27th, retained by Mrs. Kent's friends on behalf of the second family.

"On my arrival at Road, on the morning of the murder, soon after eleven o'clock, I found Superintendent Foley, with some assistants, in possession of the house. From him I learnt that he had felt some hesitation in intruding on the family privacy, and in adopting those means of surveillance which the case required. I at once saw Mr. Kent. I found him in that state of grief and horror from which a parent under such an awful calamity would naturally suffer. He related to me, with much agitation and distress, what had occurred,

and suggested that a London detective should be telegraphed for at once, before any traces of the crime could disappear or be removed. I then mentioned the difficulty to which Mr. Foley had referred, when Mr. Kent desired me to inform him instantly that he must not feel under the slightest restraint in going into every part of the house, and in resorting to any other means which he might think necessary. I communicated to Mr. Foley Mr. Kent's desire that he should make a strict search of the house and its inmates. Mr. Foley did not, however, think it necessary to send for a detective, and in this opinion I to some extent concurred. . . .

" On seeing the nursemaid, I observed on her countenance traces of emotion and fatigue, and remarked to the Superintendent that she appeared to have passed a restless night. He said that his first suspicions had also fallen upon her, and that he had closely questioned her, but believed her to be wholly innocent of the crime, and ignorant of the perpetrator, and that her grief and alarm at the event were sufficient to account for these appearances. Such questions as I put she answered frankly and fully, and without embarrassment. On the floor of the closet into which the body of the poor child had been thrust was a pool of blood. My impression was that the child had been taken sleeping from his cot to the closet, and laid down in the blanket, still sleeping, on the floor; that the murderer's hand had been inserted within the blanket to inflict the fatal wound, and, this being done, the bleeding body was lifted up and deposited within the vault, the stab in the chest having been caused in attempting to force the body down with the knife. After the inquest I had several interviews with Mr. Kent for the purpose of consulting on the measures to be further adopted, but I could collect no materials

for forming a decided opinion. I suggested to him what I considered to be the probable solution of the mystery; but I found that our views of the crime, and of the mode and direction of its investigation, widely differed; and as I could not adopt Mr. Kent's views, nor he mine, I abstained from further interference. . . .

"On one or two occasions whilst the nursemaid was in custody, I visited Mr. Kent, and at no time did he betray the slightest apprehension that she could make any disclosure which could criminate him, or that his safety was affected by her detention. At two of these interviews he was abruptly called upon to attend the magistrates, without being informed by the police for what purpose he was wanted. Such abrupt summonses would have been fearful trials to a guilty man; but on neither occasion did Mr. Kent betray the slightest agitation or embarrassment. Two circumstances have been much commented on to the prejudice of Mr. Kent. I refer to his refusal to permit a plan of the house to be taken, and to his locking the police into the kitchen the night after the murder. Of the first, it is a sufficient explanation to say that Mr. Kent simply resented an uncourteous intrusion; of the second, I am not able to give an explanation myself, nor to furnish Mr. Kent's, for I have learnt this fact only from the public papers. . . ."

On Monday, November 26th, an application was made by the Attorney-General at the Court of Queen's Bench, before Lord Chief Justice Cockburn, Mr. Justice Hill and Mr. Justice Blackburn, for a writ for a better inquest on the body of Francis Saville Kent. In the course of a long speech the Attorney-General recounted the facts of the case, commented upon the evidence given and the conduct of the inquest, and read voluminous depositions from the jurymen, reporters and others present at the

inquest. The tendency of this evidence was to bring out the undoubted fact that the inquiry had been burked, that many essential witnesses had not been examined, and that the whole of the proceedings had been conducted in a disgracefully superficial manner. The Attorney-General laid special stress upon the refusal of the coroner to allow any further witnesses to be examined, in order to "spare the feelings of the family," upon the openly expressed discontent of the jurymen at the hasty and incomplete examinations which were actually made, upon the fact that the foreman of the jury, the Rev. Mr. Peacock, did not communicate with his brother jurors before returning a verdict, and upon the misdirection of the coroner to the jury, to the effect that their business was not to make inquiry as to who caused the death.

The facts upon which the Attorney-General chiefly relied, being technical breaches of the rules governing inquests, were that the examination of Constance and William Kent was not taken down in writing at the time, and was not minute and searching in its character, and that the presentment was written on paper, and not on parchment, as the law directs in all cases of murder or manslaughter. On these grounds the Attorney-General applied that a rule should be granted to quash the inquisition and to direct a new inquiry, not by the coroner, but by a Special Commissioner.

A long discussion upon these technical points followed, at the close of which the Lord Chief Justice said that they were of opinion that in this case there should be a rule, calling upon the coroner to show cause why the inquisition should not be quashed, and a writ of *melius inquirendum* issued. The Attorney-General had satisfied himself as to the facts he had stated, and as to the authorities he had cited as to the invalidity of the record, it being on paper

instead of on parchment. That left the great question open, and although they might not feel themselves called upon to quash the inquisition on the ground of informality yet the interests of public justice demanded that a further inquiry should take place. As the judicial conduct of the coroner was called in very serious question, and as the result of their decision must materially affect his position as coroner, they would not do justice, or act in fairness to him, if they were now at once to quash the inquisition, without affording him the opportunity of answering the matters stated in the affidavits, and therefore they could not do more than grant a rule calling on him to show cause why the inquisition should not be quashed, and a writ for a better inquiry issued. The other learned judges concurred. Since November 26th was the last day of term, the rule could not come on for argument until the succeeding Hilary term, which opened on January 11th, 1861.

Meanwhile, activity by no means ceased in the neighbourhood in which the crime had been committed. On November 30th a meeting of magistrates was held at Trowbridge for the purpose of explaining the mysterious affair of the stained "shift." A letter was read from Inspector Whicher, stating that no communication relative to the finding of this stained night-dress was ever made to him when he was pursuing his investigation. The magistrates, as well they might, censured Superintendent Foley for his concealment of this discovery, stigmatising his attitude as culpable. For an account of less official events at this period we may turn once more to the *Journal*.

"During the past week (ending December 1st) some important facts have been elicited by Mr. Hughes, chief of the Bath police, and Mr. Norris (who apprehended

Beale, the Leigh Woods murderer), who have been searching out various matters on the spot. We must not do more than assure the public that they are of real importance, not perhaps in establishing a clue, but in corroborating previous information and contradicting statements which have been made by interested parties. None of these facts has as yet been known to the police, having evidently been concealed purposely. Nothing is yet discovered which would warrant a re-arrest. Among the statements made before Mr. Saunders was one by Sergeant Watts, of Frome, confirmed by P.C. Urch and Heritage, officers of the Wiltshire force, to the effect that on the day on which the murder was discovered, he found a woman's night-shift, stained with blood, secreted in the boiler hole in one of the kitchens of Road Hill House. This garment was given by Sergeant Watts to Superintendent Foley, who stated that he was confirmed in his own opinion by that of Mr. Stapleton, surgeon, that the marks of blood proceeded from natural causes, and had nothing whatever to do with the murder. Acting on that opinion, he directed the shift to be replaced on the following Monday where it had been found, whence it disappeared. It has now transpired that, up to the time of Mr. Saunders' inquiry, the fact of the finding of this shift has been kept a profound secret, and that Mr. Stapleton, the surgeon, denies that any such garment was shown to him. He now states that the only article of the kind which he inspected was one belonging to Miss Elizabeth Kent, which was found in her bedroom by Mrs. Dalimore, and respecting which Mr. Foley and Mr. Kent have repeatedly spoken to us.

"Inquiries have subsequently been made before the Trowbridge magistrates, and the cook and housemaid, who have now been interrogated for the first time on the

subject, both deny any knowledge of it. An examination of their linen, and that of some of the family, has subsequently been made. That of the housemaid is said to be made in the same way as the shift found in the fire-hole, but not to correspond in length. The garments of the cook and of Miss Constance Kent were not made in the same way as the missing article. Miss Constance, however, has a new set in wear, and the washerwoman describes her old ones as being similar to the one so strangely found, and which has so strangely disappeared. Mr. Stapleton was confronted with Mr. Foley, and denied that the shift in question was ever shown to him. The excuse of Mr. Foley for not communicating the finding of the shift to the magistrates is that he was convinced it was not connected in any way with the murder. It is evident that the dress must have been placed where it was found (after nine o'clock a.m.) on the day of the murder, as the stove connected with the flue was lighted at seven a.m. and let out at nine o'clock. Having been re-deposited in the stove on Monday morning, nothing further is known of it.

"It is very generally believed, from the saturated state in which this garment was found, that it actually had a most decisive connection with the murder, and the conduct of Mr. Foley is regarded as extraordinary in the extreme, and as calculated to diminish the professional esteem in which that officer has hitherto been held, unless he is able to account for the occurrence more satisfactorily than he has hitherto done."

A week later the following appeared. "Mr. Hughes, the chief of the Bath police, and Inspector Norris, his efficient assistant, have been stimulated to action by the slurs of late cast upon the ability of the local police, and, although not belonging to the county, have at their own

expense—and, being policemen, of course without any hope of any portion of the reward which has been offered —devoted themselves to the study of this deep mystery. From the first they have greatly doubted the late popular theory as to the real murderer (this refers to the prevalent suspicions of Mr. Kent,) and, although divesting their minds of prejudice, have investigated in an opposite direction. The results have been that facts have been elicited which are unquestionably material, and with which the public are wholly unacquainted, although their concealment hitherto of itself forms a most suspicious element. . . .

"Although nothing has as yet been found to justify the officers in applying for a warrant for the re-apprehension of the person, the magistrates will, we happen to know, grant such a warrant without hesitation immediately application is made. From the family itself nothing has been learnt beyond mere negative evidence, although the officers have had an interview with Mr. Kent of four hours' duration, and engaged in conversation of a most searching character. They pointed out to him, we understand, the bearing of the case as against the suspected person, and endeavoured in vain to obtain from him some admission. That the matter should be cleared up is a thing to be most earnestly desired, for, however much we may pity the unhappy perpetrator, the interests of the whole family demand that suspicion be changed into fact. To speak definitely of the suspected individual would be at present perhaps unwise, but we may say that the whole detective staff are now of the opinion we have frequently broached, that Mr. Kent is innocent, or, at most, is only an accessory after the fact."

It is perfectly clear from this that the suspected person was now once more Constance Kent. But what fresh

evidence could have been discovered against her, so long after the event, it is hard to say.

" The Wiltshire police appear now to have practically abandoned the inquiry, and, other hands having taken the matter up, we trust that every assistance will be rendered them by those officers, or at all events that they will offer no impediment. How far Mr. Whicher failed because he did not meet with cordial support no one can say, but his obtaining the assistance of Mr. Williamson is an evidence, were one needed, that his views were not heartily seconded by those on the spot. Five months have now elapsed, and it is high time that everything approaching to jealousy or want of active co-operation should cease. . . .

" Mr. Stapleton, the surgeon who assisted at the post-mortem, has expressed his great surprise at that portion of Mr. Parson's evidence (at the last examination of Elizabeth Gough) which alluded to the deceased having been suffocated. No appearance to warrant this notion was observed by him, and immediately after the examination, Mr. Parsons had repeatedly told Mr. Kent in his presence that the child died from the wounds in the throat."

The rule of *melius inquirendum* came up for argument at the Court of Queen's Bench on Wednesday, January 30th, 1861. The Solicitor-General appeared on behalf of the rule, and Sir Fitzroy Kelly represented the coroner in opposing it. The judges present were the Lord Chief Justice, Mr. Justice Wrightman, Mr. Justice Crompton, and Mr. Justice Hills.

Sir Fitzroy Kelly stated that the case was one of the utmost importance, and his client, the coroner, though he desired to clear his character from the personal imputations cast upon him, had no other desire than that every

effort should be made for the discovery of the truth. Sir F. Kelly then read a lengthy affidavit of Mr. Sylvester, the substance of which was as follows. He had held upwards of 2400 inquests without any complaint having been made; he had no connection with the Kent family, beyond having on one occasion attended Mrs. Kent in consultation with another medical man; before any evidence had been taken at the inquest, many of the jury expressed a strong conviction that the murder had been committed by an inmate of the house; during the progress of the inquiry the jury and spectators became very excited, and expressed angry feelings against Mr. Kent and his family; the witnesses were fully examined upon all matters in which they could give information, and were cross-examined by Captain Meredith, by Mr. Kent's solicitor, and by many members of the jury, whom he always asked if they had any questions to put; that after the examination the Chief Constable said he had no more evidence to offer, but the foreman of the jury said several of the members of the jury were desirous of examining the members of the family, but that he (the foreman) did not think this course necessary. The coroner thought that unnecessary pain would be caused by examining the two younger members of the family, as suggested by some of the jury; he expressed his willingness, if desired, to adjourn to Road Hill House; some of the jury objected to that course, and wished to have the witnesses brought before them, while others called out excitedly, "Show no respect to one more than another; try them all."

Thinking it his duty not to expose the children to insult, which he apprehended from the excited state of the jury and public, he adjourned the inquest to Road Hill House, where the children were questioned, but nothing material being elicited he did not think it necessary to

have their formal depositions. None of the jury were allowed to retire without being asked if they had any further questions to put. No application was made to him to examine any other members of the family; and it was not true that any of the jury objected to the closing of the inquest without further evidence being offered. In not examining Mr. Kent, or other members of the family, he was influenced by the fact that a strong suspicion existed against them. He was most anxious to ascertain the truth, and was not actuated by fear, favour or affection towards any individual. He did not state to the jury that it was not their province to inquire who was the murderer, but only to ascertain the means by which the death was occasioned. Nor was it true that he said it would be useless to prolong the inquiry.

The Lord Chief Justice remarked that there was no dispute that the verdict was a right one upon the evidence. The allegation was that the coroner declined to call further evidence when requested to do so.

Sir F. Kelly said that there was not a particle of truth in that allegation. The coroner said in his affidavit that he did not observe any reluctance on the part of the jury to close the inquiry and return their verdict, but they all appeared to concur unanimously in the conclusion which the verdict expressed. He denied that he ever told Superintendent Foley that he only wanted the evidence of the nursemaid and housemaid; but he stated that he wished to have their evidence at the commencement of the trial.

An affidavit was then read from Mr. Stapleton, surgeon, of Trowbridge, confirming most of the statements of the coroner, who, he said, evinced throughout the proceedings the most anxious desire to have an ample inquiry, and did not limit the functions of the jury to the cause of

death. Several further affidavits were then read, including one from the Rev. Mr. Peacock, the foreman of the jury, who stated that the coroner had conducted the inquiry with great fairness, and expressed the belief that it would have been unsafe to expose the relatives of the murdered child to the public.

Sir F. Kelly maintained that these affidavits were conclusive as to the manner in which the inquest was held. The jury were evidently in a state of extraordinary excitement and exasperation, and their statements could not be credited in opposition to those of the gentlemen of intelligence and education whose testimony he had read. It was remarkable that there was not any suggestion made by the jury as to the examination of any particular individual; and even when Mr. Kent's solicitor said that Mr. Kent was ready to come forward, nothing was said on the subject by anyone present.

The Solicitor-General said that Mr. Chivers requested that Mr. Kent should be examined.

Sir F. Kelly replied that this was during the examination of another witness; that he did not renew his application; and that it was stated in the affidavit of one of the gentlemen, that after the examination of the two children at the house he expressed his satisfaction with the course that had been adopted.

The Lord Chief Justice inquired what the coroner said when Mr. Kent's readiness to be examined was announced by Mr. Rodway.

Sir F. Kelly replied that the coroner thought it would be improper to examine him in consequence of the great suspicion attaching to him, and some of the jury expressed their desire that he should be examined when the offer was made. The coroner was against the examination of any member of the family, and when an offer was made that any of them should be produced before the jury,

they limited the witnesses to two of the children, Constance and William. If another inquest were held it could only be in order that Mr. Kent might be examined, he being the only person whose evidence was alleged to have been withheld from the jury. Seven months had elapsed since the inquest, and nothing whatever had been elicited which had led to the conclusion that any other witnesses should have been examined; and the question was, therefore, narrowed to the examination of Mr. Kent. The only other question to be considered was whether the inquest was void on the ground of the inquisition being on paper. If such was the case, the new inquisition must be taken by the same coroner, there being no question of misconduct, but only of informality. He could see no good which would result from having another inquest before the same coroner.

The Solicitor-General then addressed the Court in support of the rule. He said he only expressed the feeling of the Attorney-General when he said that he should only be too glad if to any extent the coroner had succeeded in removing any imputations upon his conduct. One of the imputations against him was that he had improperly limited his directions to the jury, telling them that it was no part of their duty to ascertain by whom the crime was committed. No doubt that was very distinctly stated by a great number of persons—not fewer than eighteen or twenty—and it could hardly be supposed that they had all committed perjury. There was doubtless a good deal of excitement existing, and a considerable difference between the jury and coroner, and the confession might have led to want of clearness of expression on the part of the latter, and a want of clear apprehension on the part of the former; if such a misapprehension existed, it was an important reason why another inquiry should take place. He did not impute to the coroner

such an ignorance of his office as was alleged by some of the witnesses, but it was quite possible that in the prevailing excitement there was a great misapprehension of what he really meant to say. He contended that the coroner ought to have examined, of his own accord, all the members of the house in which the murder was committed, not with a view of inculpating them, but with a view of obtaining any information which might lead to the discovery of the perpetrator.

The Lord Chief Justice said that he could see no good object that would be secured by another inquiry. It would be nothing more than an inquisition in the true sense of the word. The only ground on which the application rested was an alleged judicial misconduct on the part of the coroner, which was narrowed to the single instance of his not accepting the offer spontaneously made by Mr. Kent through his solicitor to give evidence. He thought the coroner would have exercised a sounder discretion, and one more satisfactory to the public sentiment, if he had accepted the offer; but he could not regard that as anything more than a mere error in judgment, and it was not on an error in judgment that the Court would be justified in setting aside a coroner's inquisition. But even if there had been judicial misconduct they would not necessarily issue a writ *ad melius inquirendum* until they saw the object of the inquiry. At present it was nothing more or less than to examine persons, some of whom it was alleged were guilty, with a view of ascertaining on whom the charge ought to fall. He did not think that the Court would exercise a proper discretion in listening to such an application. Such an examination, with a view to eliciting evidence against the parties themselves, was wholly inconsistent with the administration of English criminal law, and therefore the

Court could not listen to the application. The rule was accordingly discharged.

This decision caused a good deal of discontent throughout the country. As usual, the *Journal* voiced the opinion of the neighbourhood, and especially of those who had been prominent in pressing for a fresh inquest. "We have read carefully the defence of the coroner by Sir Fitzroy Kelly, and must confess our inability to discover what portion of it can have weighed so powerfully on the minds of the Lord Chief Justice and his learned colleagues as to lead to the decision they gave. The Lord Chief Justice himself admits that the coroner was guilty of an act of indiscretion; and Sir F. Kelly describes the jury as being in a most excited and bewildered state of mind—to use his own words, that they were in a kind of mad frenzy and dangerous excitement, and were not in possession of their reason and faculties; moreover, that they showed themselves not to be men of intelligence and education, like their foreman and the coroner. If such be true, on the showing of the coroner's learned advocate himself, does it not clearly prove the necessity for a fresh inquiry? We do not for a moment believe this statement; on the contrary, from what we saw of the inquest, we believe these plain, uneducated, common-sense men showed a much greater desire to thoroughly prosecute the momentous inquiry than did the men of education to whom Sir Fitzroy Kelly would, we presume, have entrusted the whole affair, utterly ignoring the opinions of the other jurymen.

"Our only hope now is that the conscience of the murderer or accomplice will, at some time, compel an open confession, or reveal something that may lead to the detection of the guilty party, and that thus an all-wise Providence will make clear that which our legal tribunals have failed to elucidate."

This decision of the Court of Queen's Bench practically brought to an end all further investigation into the crime. During the next few months interest in it was revived by various reports that one or other of the suspected persons had confessed, or by some new statement on the part of someone involved in the case. The most hopeful of these was a statement made by Hester Holley towards the middle of June 1861. She was reported to have said that she could identify the famous piece of flannel as belonging to a member of the Kent family, and that her daughter wished to state this fact when making an affidavit at Mr. Slack's office. Mrs. Holley, however, had dissuaded her from this, as she herself had previously stated on oath that she could not identify it. Mr. Foley, however, upon interviewing Mrs. Holley, could get no confirmation of this story.

Meanwhile, Mr. Kent and his family had left the neighbourhood and gone to Weston-super-Mare. In April the contents of Road Hill House were offered for sale, and an enormous crowd flocked in to view the premises. The fatal closet was the centre of attraction. "Superintendent Foley was often requested to gratify the eager curiosity of the visitors by showing it. The spots of blood on the floor are still there; and it was strange to see young and fashionably dressed ladies seeking to learn every particular, and view every spot connected with the murder." The cot in which the child had slept was not included in the sale, since the family did not wish it to be purchased by Madame Tussaud and exhibited in the Chamber of Horrors. The very name of the house was changed, and in the course of time, even local excitement died away, and the Road Hill murder became only a memory.

CHAPTER VIII

The Kent family did not remain very long at Weston-super-Mare. They removed to Wales, but Constance Kent did not go with them. She left England, and stayed for two years in a convent at Dinan, in France. In 1863 she returned to England, and stayed as a visitor at St. Mary's Hospital at Brighton, an institution attached to St. Paul's Church in that town, which served as a retreat for ladies of a religious tendency.

Towards the close of the sitting of the Court on Tuesday, April 25th, 1865, information was received by Sir Thomas Henry, the chief magistrate at Bow Street Police Court, that Constance Kent had resolved to surrender herself for the murder of her stepbrother, Francis Saville Kent, five years previously, and was on her way from Brighton for that purpose. Shortly afterwards she appeared, accompanied by the Rev. Arthur Douglas Wagner, perpetual curate of St. Paul's Church, Brighton. She was dressed in deep mourning, and wore a long veil, which almost screened her face from view, and appeared thinner and taller than on the occasion of her last appearance in public. She was attended by the Lady Superior of St. Mary's Hospital, Miss Greame.

The proceedings were brief. The magistrate, addressing the prisoner, said: "Am I to understand, Miss Kent, that you have given yourself up of your own free act and will on this charge?" To which the prisoner replied, "Yes, sir."

The Magistrate: "Anything you may say here will be written down and may be used against you. Do you understand that?" The prisoner: "Yes, sir."

The Magistrate: "Is this paper now produced before me in your own handwriting, and written of your own free will?" The prisoner: "It is, sir."

The contents of this paper were as follows: "I, Constance Emilie Kent, alone and unaided, did, on the night of the 29th June, 1860, murder, at Road Hill House, Wiltshire, one Francis Saville Kent. Before the deed, no one knew my intention, nor after my guilt. No one assisted me in the crime, nor in my evasion of discovery."

The charge was then entered as follows: "Constance Emilie Kent, of 2 Queen Square, Brighton, charged upon her own confession with having, alone and unaided, on the night of the 29th June, 1860, murdered at Road Hill House, Wiltshire, one Francis Saville Kent."

The Magistrate: "Have you any objection to sign the statement you have here made? I must again remind you that it is the most serious crime that can be committed, and that your statement will be used against you at your trial. I have had the words written copied on this charge sheet, but I do not wish you to sign it unless you desire to do so." The prisoner: "I will do so if necessary."

The Magistrate: "It is not absolutely necessary. There is no occasion for you to sign the charge unless you wish it. I will have your statement attached to the depositions, and I will again ask you if you have made it by your own desire, and without any inducement from any quarter whatever to give yourself up." The prisoner "Yes."

The Rev. Arthur Douglas Wagner was then sworn, and deposed as follows: "I am a clerk in Holy Orders and perpetual curate of St. Paul's Church, Brighton, which is a chapel of ease to the parish church. I have known Constance Kent for two years—since the summer

of 1863. As far as I can remember, an English family wrote to me, asking for her admission to St. Mary's Home, or Hospital, in consequence of her having no home, or of some difficulty respecting her. The Home, or rather Hospital, as it is now called, is a house for religious ladies, and is attached to St. Paul's Church. She came about that time as a visitor, and has been there up to the present day."

The Magistrate: "Now, Mr. Wagner, it is my duty to ask you if any inducement has been made to the prisoner in any way to make this confession?" The witness: "None whatever has been made by me. The confession is entirely her own voluntary act, to the best of my belief. It was about a fortnight ago, as far as I can recollect, that the circumstance first came to my knowledge. It was entirely her own proposition that she should be taken before a London magistrate. She herself proposed to come to London for the purpose. The nature of the confession she made to me was the same, in substance, as the statement produced in her own handwriting and copied upon the charge sheet."

The magistrate then committed her to the charge of Inspector Williamson (who, it will be recalled, assisted Inspector Whicher in the original investigation), to be brought before the magistrates at Trowbridge. Her examination there on the following day, April 26th, is best recounted in the words of the *Journal:*

"After the proceedings at Bow Street on Tuesday, Miss Constance Kent was conveyed in the custody of Inspector Williamson to Trowbridge. She was accompanied by Miss Greame, the Superior of St. Mary's Home at Brighton, and was taken to the police station, where every care was taken of her by the wife of the superintendent.

"At twelve o'clock the London train brought Detective

Sergeant Thomas, of the Metropolitan force, and the Rev. Mr. Wagner. The rush to enter the Court was tremendous. Every precaution was taken by the police to keep order, but children screamed, women and strong men fought their way in, and in ten minutes every inch of standing and sitting room was occupied, while hundreds of people were unable to gain admission.

"Besides the magistrates mentioned below, there were present R. Rodway, Esq. (Mr. Kent's solicitor at the inquest on the murdered child in 1860), who watched the case for the accused; J. W. Stapleton, Esq., surgeon, and author of *The Great Crime of* 1860; W. H. Dunn, Esq. (Mr. Kent's solicitor during the earlier proceedings), Charles Webb, Esq., W. Goldsmith, Esq., Captain Meredith, Chief Constable of the Wilts Constabulary, and several others.

"The Court house was crammed to overflowing. The following were the magistrates on the Bench: H. G. Ludlow, Esq., Chairman, J. P. Stancomb, Esq., Thomas Clark, Esq., J. H. Webb, Esq., John Sinkins, Esq., and C. F. D. Caillard, Esq.

"Silence having been restored, Constance Kent, attired in black and closely veiled, walked into the Court from the private rooms of the police station, attended by Miss Greame, the Sister of Mercy, from Brighton. All eyes were turned in pity towards her. She walked with a step which betrayed no emotion, but with downcast eyes, and took a seat in the dock. Her conduct in the dock was at first marked by great composure, though, as will be seen below, her feelings afterwards overcame all control. The past five years have wrought a considerable change in her appearance, she being taller and much more robust and womanly than when she was previously in this neighbourhood. Miss Greame, who had a most abject expression of countenance, was allowed

to occupy a seat at the side of the prisoner in the dock.

"The proceedings commenced by the chairman addressing the prisoner as follows: 'You are aware you are brought here on a warrant issued from Bow Street, and the evidence there taken will now be read over to you.' The prisoner rose upon being addressed, and stood with downcast eyes, the Sister of Mercy ever and anon casting her eyes heavenwards as if invoking Divine aid.

"Mr. Henry Clark, the magistrate's clerk, then read the following deposition of Arthur Douglas Wagner, Clerk in Holy Orders, who on his oath testified: I am perpetual curate of St. Paul's, Brighton. I have known Constance Kent about twenty-one months. She was introduced to me for the purpose of being admitted into the St. Mary's Hospital at Brighton, which is connected with St. Paul's Church, and she came there about that time, and has resided there ever since. I have not in any way induced her to make any confession to me, and, to the best of my belief, the confession she has made has been entirely of her own free will. About a fortnight ago it first came to my knowledge, and it was entirely her own proposition, that she wished to confess and give herself up, and it was her own proposition to come to London for that purpose, and she stated to me, as in words to this effect, that she had, alone and unaided, on the night of the 29th of June, 1860, murdered, at Road Hill House, Wiltshire, one Francis Saville Kent. I have never said anything to Constance to persuade her to confess, nor have I said anything to dissuade her from doing so; but I have been perfectly passive in the matter, feeling she was doing the right thing. It was entirely her own free act. She thought of it herself, and without my suggesting it to her."

"The Chairman (to prisoner): 'Have you any question to ask this witness?' The prisoner: 'No, sir.' (She was scarcely audible.)

"The deposition of Constance Emilie Kent was then read. It was as follows: I wish to hand in, of my own free will, a piece of paper, with the following written on it in my own handwriting. 'I, Constance Emilie Kent, alone and unaided, did, on the night of the 29th of June, 1860' (here the accused fell on her knees, and bending forward, commenced sobbing heavily), 'murder, at Road Hill House, Wiltshire, one Francis Saville Kent. Before the deed, no one knew my intention' (here the Sister of Mercy mingled her tears with the accused, manifesting considerable emotion. The Bench and the spectators gazed at them in painful suspense, and several persons in Court averted their heads to suppress their emotion), 'nor after of my guilt. No one assisted me in the crime' (here a glass of water was handed to the accused, who was still sobbing, but she refused it), 'nor in my evasion of discovery.' She was asked if she had anything to say further, and replied, 'No, sir.'

"Frederick Williamson was then sworn. He said, 'I am an Inspector of the Detective Force of the Metropolitan Police. Yesterday afternoon, April 25th, I went to Bow Street Police Court, where I found the prisoner. She was undergoing examination before Sir Thomas Henry, chief magistrate. This paper was handed to her by Sir Thomas (a piece of yellow paper written over in a female hand). She was asked whether that was her own handwriting. She said it was. The contents are as follows. (Paper read.) The prisoner was then handed over to my custody, and I conveyed her last night down here.' Here the scene between the accused and the Sister of Mercy became painful in the extreme.

"The Chairman (to prisoner): 'Have you any question to ask this witness?' The accused shook her head and answered 'No' in a low tone of voice. This being the completion of the business, the Chairman asked her, 'Have you any reason to give why the magistrates should not remand you?' The accused shook her head. The Chairman: 'You will now be remanded till to-morrow (Thursday) week, when you will again be brought up in this Court at eleven o'clock in the morning.'

"The proceedings here terminated, and the crowd dispersed, the prisoner leaving the Court with a firm step. In the afternoon she was conveyed in a close carriage to Devizes gaol, in the custody of Inspector Williamson and Sergeant Thomas."

A good deal of scepticism was expressed at the time as to the value of this confession. Almost every newspaper in the country commented upon it in terms which varied very widely. The *Standard* was frankly incredulous. "In the name of all human justice we must protest against any prejudiced opinion being arrived at in the case of Miss Constance Emilie Kent. This young girl has delivered herself up as the perpetrator of that terrible and mysterious Road Hill House murder which five years ago shocked all society. We have her own confession; but it came on Tuesday in a strange form before the magistrate at Bow Street. . . ." The paper then quoted the words of the confession, and continued: "It will be a very remarkable thing if this prove to have been the undictated language of a deliberate and independent young murderess. There is an attorney's stamp upon it. At all events it bears the impress of a too zealous persuasion."

The *Morning Star* commented as follows: "By this act of self-accusation she simply endorses the charge which at a very early stage of the inquiry was made

against her by the police. It will be remembered that she was arraigned upon it before the magistrates and discharged, after the prosecution had been allowed to adduce a great deal of evidence which would never have been admitted in a court of justice. . . But now she has confessed that she, and she alone, committed the murder, and some people may be inclined to consider that this is altogether conclusive. No doubt great weight must be attached to such an avowal, thus voluntarily made, but still it cannot safely be accepted without a reasonable amount of circumstantial corroboration. Still less can it be made the basis of a judicial action without a clear explanation of sundry facts which at present render it difficult to be believed."

Upon the news of the confession the *Journal* saw fit to give publicity to certain facts which had not hitherto been publicly revealed. There is a certain tendency visible in its article to wisdom after the event, but it is none the less valuable.

"The confession now made by Constance Kent has only served to confirm and establish the many strong and painful suspicions which were entertained by ourselves and by most of the best informed investigators of the case at the time it was under legal examination. The able and experienced London detective, Mr. Whicher, Inspector Hughes of Bath, Sergeant Williamson of London, and many others, were themselves fully satisfied that the evidence against Constance Kent was morally unanswerable, while legally there was one link deficient to render the chain complete. Popular sympathy was quite in an opposite direction, and this sympathy tended in a great measure to frustrate the efforts of those active and efficient officers in obtaining the information necessary to substantiate their views. It will be remembered how merciless and almost universal was the censure

heaped by the Press and the public on Mr. Whicher for the 'terrible and unjust punishment' which he had inflicted on Constance Kent by her apprehension and temporary lodgment in the gaol of which she is at present an inmate.

"We need only remind our readers of some of the grounds which so strongly directed suspicion against her who now confesses to the murder. In the first place, Constance was known from her earliest days to be a girl of a remarkably morose disposition and passionate temper, and that at times she had done desperate things from which girls of her age would naturally shrink. As illustrations of this we may recall two circumstances. When at school at Bath, being offended with her teacher, she deliberately turned on the gas throughout the house, making no secret of the fact that her intention was to cause an explosion. On another occasion she cut off her hair, attired herself in boy's clothes, and started from home with her brother, intending, if she had escaped detection, to have gone to sea. That this particular temperament was fostered by the unhappy circumstances of her home circle there can be little doubt. Abundant evidence was supplied to show that she had no affectionate regard for her stepmother, and but little for her father, and that she viewed with intense jealousy the favouritism which she believed was shown to the children of the second family. Francis Saville was the pet of the father and mother, and he, therefore, in an especial manner, excited the jealousy and ill-will of Constance. These facts afforded us, at the time of the painful occurrence, sufficient material wherewith to construct a motive for the commission of the terrible crime.

"But the evidence did not rest here. It must be remembered that the last thing done by Constance on the Friday night, as the murder was discovered on the

Saturday morning, was to ask permission to feed the large dog which was kept in the yard through which she must afterwards have passed with the child, and that for some weeks after this the dog was not known to bark, but remained in a half-stupefied condition."

This statement, of which I can find no corroboration, is curious. If the facts were as stated, and were known to the police, they would surely have made some investigation into the matter, which they do not appear to have done. As will be seen, Constance Kent did not refer to the incident in her final and very full confession. On the other hand, although she did not actually pass through the yard with the child, she passed very close to it, sufficiently so to rouse any reasonably efficient dog. Since the balance of conflicting evidence is that the dog did not bark, this might be accounted for by the theory that its food had been drugged.

"The circumstances under which the confession has been made are of a kind to deserve some notice. It appears that Constance has been an inmate of St. Mary's 'Home' at Brighton since the summer of 1863, and that in this 'Home' confessions to a priest are encouraged. The Rev. A. D. Wagner, who accompanied her to London, was the priest to whom the painful intelligence was first communicated, about a fortnight since. Were it not that the confession so thoroughly harmonises with the external evidence, we should be more disposed to doubt its reliableness than we are at present. We are by no means in favour of the indiscriminate reception of confessions; and even out of the atmosphere of religious houses, girls of the age of Constance Kent have been known to accuse themselves wrongfully of terrible crimes. But in this case the confession only elucidates and confirms evidence previously given of the most important character, and this leaves no room in our minds to doubt

the truthfulness of the statement which has been so voluntarily made.

"We trust that, while it is satisfactory to have the mystery cleared up, the poor girl will be spared the extreme sentence of the law. We cannot doubt that she is somewhat tainted with that mental aberration which has been most manifest in more than one of her near relatives; and that this would in some measure account for the extraordinary acts of her early life, as well as for that dark and fearful act by which she deprived of life the beautiful little boy who was her half-brother."

On Thursday, May 4th, the examination of Constance Kent was resumed at Trowbridge. As on the previous occasion, the *Journal* reported it fully, with illuminating comments.

"The excitement created in Trowbridge a week since was more than revived on Thursday last. Long before the hour for the examination to commence, groups of the townspeople, of all classes, congregated at the corners of the streets, discussing the varied details of the murder with unusual animation, and numerous opinions were expressed as to the genuineness of the confession.

"At an early hour the premises of the Police Court were thronged with those who were eager to gain admission. A large staff of London reporters, 'special correspondents,' and a whole host of representatives of the provincial Press, coming some as far as from Manchester, Leeds and Plymouth, arrived in Trowbridge the previous evening or by the morning trains. At about ten o'clock the magistrates began to arrive, and then a few favoured ladies were admitted to the Court, and provided with seats at the back of the Bench. It being understood that the Press would be accommodated with seats before the general public, the reporters congregated at the various entrances and patiently waited their turn.

" As soon as these, numbering upwards of thirty, were seated, Captain Meredith, Chief Constable of Wilts, amid considerable uproar, said he wished to make an explanation relative to a paragraph which had appeared in a newspaper respecting a knife found in the knife-cleaning machine. If blame rested anywhere, it should be on him, for he found it, which was only the blade of a rusty old knife that had been in the base of the machine for a considerable time. In truth there was no importance to be attached to it.

" Punctually at eleven o'clock, the following magistrates took their seats on the Bench: H. G. Ludlow, Esq., chairman, W. Stancombe, J. P. Stancombe, T. Clark, J. H. Welch, C. F. D. Caillard, J. L. Phipps, R. Walmesley, and A. Laverton, Esqs., the Rev. Dr. Wilkinson, and the Rev. E. Crawley.

" When the general public were admitted to the Court, the crush was terrific, and all the available standing room in the little Court hall was soon crammed with an excited crowd.

" Constance Kent was at length conducted into Court by Mrs. Alexander, the wife of the keeper of Devizes gaol. She was attired in black, and was closely veiled during the whole of the proceedings. She at first appeared calm and self-possessed, but shortly after taking her seat in the dock, her heaving bosom told of the tumult raging within her. She maintained throughout a downcast gaze, except when interrogated by the Bench, and then her answers were wholly indicated by the motion of her head.

" Rowland Rodway, Esq., solicitor, of Trowbridge, was present, and watched the case on behalf of the Kent family. We understand that Mr. Kent was on the premises though he did not make his appearance in Court. Order having been obtained, the Chairman,

addressing the prisoner, said she was aware of the charge on which she stood remanded, and that the services of an attorney had been provided for her. Mr. Rodway having notified that he appeared on behalf of the Kent family, Inspector Williamson, who conducted the prosecution, was asked if he had any further evidence to produce."

The examination of the witnesses then began. Although, in many cases, their evidence was much the same as they had given previously, I have thought it as well to summarise this evidence. It is interesting to see how five years of reflection had affected the witnesses. The degree of similarity in the statements made in 1860 and 1865 respectively form a very good test of the reliability of those statements. It cannot be denied that the nurse and housemaid pass this test with flying colours.

Elizabeth Gough said: "In the year 1860 I was employed as nurse in the family of Mr. Kent, of Road Hill House. I remember Friday, June 29th, and on that day I was more busy than usual with nursery work. During the night I did not wake, but slept soundly. I had charge of the deceased, Francis Saville Kent, and he slept in the same room with me, in a cot on the opposite side of the room. Another child was in the same room in a cot, a little girl named Emiline. The cot in which deceased slept was some yards from the door, but on the same side. I saw the deceased in his cot for the last time on Friday evening a little before eleven, when I went to bed. I woke next morning at a quarter past five. The child was not there. I did not wake Mrs. Kent then, because I thought she had the child. When I went to bed I think the door was closed.

"After I had seen Mrs. Kent, I went to the room of the two Misses Kent and saw them. I inquired if they had seen the little boy. I saw the prisoner standing at

the door of her room. The prisoner was near enough to hear the conversation that passed between myself and the two Misses Kent. The prisoner made no remark, but the Misses Kent said they had not seen the deceased. After going to Mrs. Kent I examined the cot and found the clothes folded down at the foot of the bed. They were not roughly put back or disarranged. After the body of the deceased child was brought in I discovered that a blanket was missing. The missing blanket was the one that had been between the counterpane and the sheet. The nursery opens into a dressing-room, the doors and shutters of which were fastened as usual, as they were on the previous night when I went to bed. The deceased was accustomed to sleep in the middle of the day, but he did not do so on the Friday because the room was all in confusion. At the time of the murder the prisoner had only been home for her holidays about a fortnight. She slept in a room by herself. Her brother William also slept alone. All the other rooms were occupied by two or more persons."

Thomas Benger (described as " an aged rustic ") said: " I am a farmer, living at Road. I remember Saturday, June 30th, 1860. As I was passing Road Hill House, Mr. Kent came out and said the child was lost or stolen and he would give ten pounds to anyone who would find him. In consequence of what he said, I and another man, William Nutt, searched the premises. This was between seven and eight o'clock in the morning. After some time we came to the closet. We went to the door together and saw some blood on the floor. When I saw the blood I raised the door and looked in, and could see some sort of clothing. I sent Nutt for a light, and while he was gone I put in my hand and pulled up a small blanket with the body in it. When Nutt came we wrapped the child in the blanket and took it into the

kitchen. The throat was cut, and I could see the joints of his little neck. The blood was congealed on his night-dress. There was a little blood on the blanket. I carried it to the house and it was examined."

Joshua Parsons said: "I remember the 30th of June, 1860. On that morning I went to Road Hill House between eight and nine. I saw the body of the deceased; it was in the laundry, on the table. It was wrapped in a night-dress and an under flannel was round the body. These were stained with blood and soil. I noticed an incision in the night-dress which had also penetrated the flannel. It was on the left side, near the region of the heart. The incision had touched the ribs, though I did not see that at the time. The first thing that I noticed about the child was a blackened appearance round the mouth. The tongue was not injured, but was slightly protruding. The blackened appearance round the mouth, contrasted with the general paleness of the body, convinced me that there had been great pressure on the mouth before death. There was a bruise or cut on the mouth and tongue. I found an incision in the throat, a cut that had been made from left to right and which divided all the structures, air-tubes, nerves and blood vessels right to the front of the spine.

"Afterwards, by order of the coroner, I made a post-mortem examination of the body. It was in the afternoon of the same day. I found the internal organs healthy, but completely drained of blood. The stomach was perfectly healthy, and I saw no traces of anything that would induce me to believe that a narcotic or other poison had been administered. I found that the stab in the chest had divided the cartilages of two ribs, pushed the bag of the heart out of the way, and then penetrated the diaphragm and wounded the upper portions of the stomach. I noticed two slight wounds on the fingers of

one hand, but from these no blood had issued, so that I judged they were inflicted after death, and after the incision in the throat had been made.

"The body was rigid when I first saw it in the morning. I thought the child must have been dead five or six hours. In my opinion the incision in the throat was the immediate cause of death, but the appearance of the place where the body was found was such as to induce me to suppose that the throat was not cut there, or that the circulation of the child was in a great degree stopped by suffocation before that was done. The cut in the throat must have been made by some sharp instrument, such as a knife or a razor. The wound in the chest could, I think, only have been inflicted by a long, strong, sharp-pointed knife. The width of the stab in the chest was an inch and a quarter, and there was a notch on one side as though the knife had been withdrawn in a different direction to that in which it was forced in.

"I accompanied the late Mr. Superintendent Foley in his search in the house on the morning of that day. I examined among other things the night-dress of the prisoner. I made a remark at the time to Mr. Foley that it was extremely clean. I cannot judge how long it had been worn. The starch in the frills and wrist-bands was not gone so much as it would have been if worn from the Saturday or Monday. When I examined the place where the body was found, there was the sign of a stream of blood on the board where the body had lain, and a patch of blood on the floor. All of this blood was of a dark colour, and there was none of the evidence of spurting out, but it was as though it had fallen straight down. There were some splashes of blood on the front perpendicular board of the seat on the outside. All of these splashes had the large end upwards, so that they must have been made by the fall of blood on the board."

The Chairman: "Did you notice any traces of blood on the other parts of the premises?"

The Witness: "I saw a piece of paper covered with blood which some person showed me."

In reply to questions by Mr. Rodway, the witness said: "I stated at the inquest that there was a blackened appearance round the mouth, and I gave it as my opinion that, if search were made, other blood would be found. I have not the notes of my previous evidence. I have no recollection of seeing any other blood on the premises, except such as may have been carried in with the child. I accompanied Mr. Foley when search was made in the closet. I was present when the vault was opened, and I did not see so much blood as I expected to see—not so much as I expected if the whole of the blood from the body of the child had fallen down the vault. It was difficult to form an estimate in consequence of the quantity of paper and soil. I knew the deceased when living. The body I saw was that of Francis Saville Kent. I examined other night-dresses in the house besides that of Constance Kent, in company with Mr. Foley, and I was struck with the difference in appearance of prisoner's to that of the other night-dresses. It had so much less appearance of having been worn. I was the regular medical attendant of Mr. Kent's family at that time. Miss Constance Kent's night-dress was on the bed when I saw it first."

Sarah Rogers (at the time of the murder, Sarah Cox), the wife of a farmer at the neighbouring village of Steeple Ashton, said: "At the time of the murder I was house-maid at Road Hill House. It was part of my duty to fasten all the windows and doors in the front part of the house. I remember the evening before the murder, and also fastening the drawing-room door, windows and shutters. They were sash windows, opening from the

ground. The shutters parted midway, and fastened with two clasps, one at the top and the other at the bottom. After they were fastened they could not be opened from the outside. I locked and bolted the drawing-room door on the hall side. I went to bed about a quarter to eleven. The next morning I went down to the drawing-room and found the window open. The top shutters were together and fastened with the clasp. The under ones were unclasped and a little way open. The window was raised a little. There appeared to have been no force used.

" My duty on every Monday morning was to collect the dirty linen from the bedrooms. Some of Miss Constance's clothes I had on Sunday and some on Monday. The night-dress was thrown outside the door on the landing; of her other clothes I found some on the floor and some in the room. I found the night-dress with her stockings on the Monday. Sometimes I found her clothes in her room and sometimes on the landing. I do not remember having found one of her night-dresses on the landing before. Sometimes she put it out on the Sunday, and sometimes on the Monday morning. I generally found her night-dresses in her room.

" I did not notice anything unusual about the night-dress on that Monday morning. Miss Constance kept her clean linen in a drawer in her room. I took her night-dress on the Monday after the murder to a lumber-room on the first floor and there sorted the linen. This was between ten and eleven. I then went for Miss Kent to come and book the clothes, and I put the night-dress in a basket to go to the wash. All the night-dresses were put in together. The prisoner's dirty linen was not put in by itself. As far as I remember there were two other night-dresses besides the prisoner's. Mrs. Kent always put her clothes in a bundle herself, and Miss Elizabeth Kent's clothes were not entered in

the same book. The dirty clothes were into two baskets, which were covered over. I put the kitchen table-cloth over one and Mrs. Kent's dress over the other.

"When in the lumber-room packing up the clothes I was by myself, Miss Kent had left. While doing this, Miss Constance stepped one step inside the room, and asked me if I would look at her skirt pocket to see if her purse was there. I pulled the clothes on one side in one of the baskets, found the skirt, put my hand in the pocket, and told her the purse was not there. The basket containing the skirt was the one containing the night-dress, and was where the larger linen was put. When I told Miss Constance the purse was not there, she asked me to get her a glass of water. I then went downstairs to the kitchen by the back staircase, and Miss Constance followed me to the top of the stairs, which were near the lumber-room. When I left to look for the water, the basket containing the skirt and night-dress was not covered up. Miss Constance drank the water. On my return I found her standing where I had left her. Prisoner then went to the other back stairs leading to her room. Water fit for drinking was usually kept in Miss Constance's room. There was a water-bottle there at the time, but I cannot say whether there was any water in it or not."

Hester Holley, the wife of a labourer living at Road, said: "I am a washerwoman, and in June, 1860, I washed for Mr. Kent's family. On the Monday after the murder I remember going for the clothes about eleven o'clock. My daughter Martha went with me. We went to the lumber-room. The cook accompanied us. On reaching the room I saw two baskets of clothes. They were not packed up; we did it ourselves and brought them downstairs. We covered them over with a sheet or table-linen as we usually did. Martha and I carried

the clothes home. We opened the baskets as quickly as we could after we got home. Three of my daughters were present at the time. Miss Constance's night-dress was not there, there were only three instead of four. The night-dresses there belonged to the two elder Misses Kent and Mrs. Kent. I can't tell whether the night-dresses were together, it is so long ago. There were only two washing books. I have never seen the night-dress of Miss Constance since. I made no report on the missing night-dress on that day. Mrs. Kent and the two elder ladies had edged frills on their night-dresses, and those of Miss Constance had plain ones."

James Watts, a police sergeant stationed at Frome, said: "From information I received, I made a search at Road Hill House in June 1860. In the course of my search I found a stained garment in the fire-hole of the scullery. It was a chemise, wrapped in thick brown paper. I took it out through the yard to the stable, and, while there, Mr. Superintendent Foley came in. He asked me what I had found, and I showed it to him. There was blood upon it. I then handed it to Mr. Superintendent Foley, who said he would take it to Trowbridge. I have not seen it since. The blood was on the lower part. It was on both the fore part and the back part. As well as I can remember, there was no blood about the shoulder. The marks of blood and smears nearly covered the tail part."

Jonathan Whicher, late Chief Inspector of the Metropolitan Detective Police, said: "On Sunday, July 15th, 1860, in consequence of a communication made to me by the Home Secretary and the magistrates of Trowbridge, I received directions from Sir Richard Mayne to proceed to Road and assist in investigating this case. On my arrival here, Mr. Stancombe, one of the magistrates, put me in communication with the late Superintendent Foley

and I commenced my inquiries in conjunction with him. On July 16th I went to the bedroom occupied by the prisoner, and in a chest of drawers in that room I found the list of linen which I now produce. I sent for Miss Constance, and, holding the list in my hand, said, 'Is this the list of your linen?' She said 'Yes.' I asked whose handwriting it was, and she said it was her own. I said, 'Here are three night-dresses enumerated; where are they?' She said, 'I have only two, the other was lost at the wash the week after the murder.' I said, 'Where are the two which you have?' and she brought me the two night-dresses which I now produce. On the 20th the warrant, which I now produce, was issued for her apprehension, and I proceeded to Road Hill House about two o'clock the same day to execute it. I sent for the prisoner to the drawing-room, and told her I was a police officer and held a warrant for her apprehension, charging her with the murder of Francis Saville Kent. She began to cry, and said she was innocent. I conveyed her before the magistrates, who were then sitting at Road, and she was remanded for a week. At the next examination she was discharged, her father entering into sureties for £200 for her appearance if required. I made every search of the grounds and premises with Mr. Foley, with a view of finding the missing night-dress, but was unsuccessful."

In reply to questions by the Bench, the witness added: "I was engaged a fortnight. There was never any communication made to me of a bloody garment having been found. The first I heard of it was three months afterwards, when Mr. Saunders brought the fact to light and it appeared in the newspapers. I then wrote to Mr. Ludlow, telling him it was the first I had heard of it."

Mr. Ludlow: "I may say the magistrates never heard of the fact at the time."

Mr. Whicher: "In justice to Sergeant Watts, I should add that I have never seen him till now."

Catherine Ann Greame said: "I am of St. Mary's Hospital, 2 Queen Square, Brighton, where I am Lady Superior. From the first time Miss Kent came there, I stood in the position of mother to her, and I would wish you not to ask me any questions that would reveal what has passed, such as a mother should not answer of a daughter. She came, I think, on August 10th, 1863. I had not known her previous to this. She came in the name of Emilie Kent. On the Wednesday in Holy Week she said she wished to make a confession and give herself up. She said nothing to me about the Road murder. I spoke to her first. She had spoken of it before. I told her I knew of it, but I said nothing to induce her to tell me. I am quite certain I never said anything to her to induce her to say anything. I told her I knew of her intentions, and asked her if she had fully realised what it involved. We referred to the matter as 'it.' Neither of us mentioned the Road murder. When I asked her if she fully realised what it involved, she replied that she did. I had sent for her to my room. I had derived my information from another source. Most likely my words to her were, 'Mr. Wagner has told me about you.' The rest of the conversation was on religious subjects. The same week I saw her again, but I do not remember the day. On that occasion the conversation was solely on religious subjects. Shortly after, I think it was the beginning of the next week, she spoke to me more fully on the matter. Something in the conversation made her tell me that she carried the child downstairs sleeping, that she left the house by the drawing-room window, and that she used a razor for the purpose. She said nothing else about the actual deed. She said she obtained the razor from her father's dressing-

case. She spoke afterwards of the night-dress that was lost, and I think she said she had taken it out of the basket again. I don't think she told me anything else. On the day that I took her to town, in the morning, nothing else was said to her."

The Chairman: "Did she assign any motive?" The Witness: "I think she said her motive was no dislike to the child, but it was revenge on her stepmother."

The Chairman: "When did she say that?" The Witness: "The third time I saw her, when she told me the other. She said something to that effect. She might not have used the word revenge. I do not recollect that she told me anything more about the night-dress."

The Chairman: "In your evidence you refer to 'something' in your conversation which induced her to tell you. What was that 'something'?" The Witness: "I said something that Mr. Wagner had told me about her."

The Chairman: "It was the 'something' when she told you she carried the child downstairs sleeping. What was that?" The Witness: "I think I asked her if the child cried to her for mercy, and she said he was asleep."

The Chairman: "Did she say what she did with the razor?" The Witness: "No, she did not."

The Chairman: "I should like you to refresh your memory again about that 'something.' Try to remember the exact words, or the meaning of them." The Witness: "I was trying to point out the greatness of the sin in God's sight, and I was pointing out to her the things that would aggravate the sin in God's sight."

The Clerk: "What sin?" The Witness: "I did not mention the sin. There was no need for me to refer to it as the murder."

The Clerk: "We do not wish to press you unduly, but I am bound to write the depositions in such a way

that the judge may understand them. You use the word 'sin.' What was the sin referred to?" The Witness: "It was the murder. I said all sins were aggravated by circumstances in God's sight, and then she told me."

The Chairman: "At that particular time was there any further conversation?" The Witness: "I think not."

The Chairman: "Have you now stated all the conversation that took place between you on the subject?" The Witness: "I think so."

The Clerk: "Did the prisoner express any wish relative to the confession being made public?" The Witness: "I do not think she did."

The Clerk: "Or giving herself up?" The Witness: "Yes, she said it was her own wish to make the confession public and give herself up."

The Chairman: "Are you quite certain that you have never at any time offered the prisoner any inducement to confess the matter?" The Witness: "Never, never!"

The Rev. Arthur Douglas Wagner, perpetual curate of St. Paul's Church, Brighton, was then called. On entering the witness-box he "folded his arms, and in a whining tone" said: "Perhaps, before I am examined, the Court will permit me to read a statement which I have committed to writing."

The Chairman: "The Court had better defer hearing your statement until the close of your examination."

The Witness then said: "I had not known the prisoner previous to about twenty-one months ago. She came to me in the name of Emilie Kent. I was made acquainted with the circumstance that her name was Constance, but in order that no one might know who she was she came to me in the name of Emilie. All the interviews I have had with the prisoner during the last seventeen or eighteen

months have been under the seal of confession, and I must decline to answer any question that will involve a breach of the confessional. (At this there were loud and prolonged hisses in Court, which were repeated on each occasion that the witness mentioned this subject.)

The Chairman: "It is quite unnecessary for me to remind you that in a court of justice you are sworn to speak the truth, the whole truth, and nothing but the truth, and that you are bound to answer all the questions put to you." The Witness: "My duty to God forbids me to divulge anything told me in confession."

The Clerk: "When did she first state to you anything about the murder?" The Witness: "She authorised me to communicate with Sir George Gray (the Home Secretary) about four weeks ago."

The Clerk: "That was upon the subject of an investigation?" The Witness: "Yes."

The Clerk: "Have you said anything to her to induce her to confess?" The Witness: "I have not."

The Clerk: "At the time of the conversation, what did she say?" The Witness: "She requested me to communicate to Sir George Grey that she was guilty of the murder, that she was willing to give herself up to justice, and do anything that was pointed out to her."

The Clerk: "Did she say anything else at the time?" The Witness: "Not that I can recollect."

The Clerk: "Did she speak to you first, or you to her, on the subject of the murder?" The Witness: "She spoke to me first."

The Clerk: "What led her to tell you?" The Witness: "That is a question which I shall not answer."

The Clerk: "What was the antecedent conversation?" The Witness: "I am unable to state anything further. I could not do so without a breach of the seal of confession."

The Clerk: "Did she give any reasons for telling you?" The Witness: "I do not recollect that she did."

The Chairman: "Are we to understand that she spoke to you first on the subject?" The Witness: "She spoke to me first, and gave me to understand that it was her own voluntary act."

The Chairman: "Without any inducement being offered to her, she spoke to you first on the subject, and offered to give herself up?" The Witness: "She did."

Inspector Williamson was then called. His previous statement was read over, and he testified to its correctness. After the evidence had been read over, and had received the signatures of the various witnesses, the prisoner was asked to stand up while the charge was read to her. When she was asked if she desired to say anything in answer to the charge, "she shook her head, and appeared as unmoved as during the greater part of the day."

She was then formally committed to take her trial at the Wiltshire Assizes for the wilful murder of her brother.

The following extract from the *Journal* is interesting:

"That Constance Kent had made no communication to her family of her intention to charge herself with the murder is pretty clearly demonstrated by the following incident. Mr. Kent, who resides near Llangollen, visited Oswestry on Wednesday (April 29th), and his conversation impressed the first person on whom he called with the idea that he was much more cheerful than usual. He made an appointment to call again, but failed to keep it. About two o'clock he was at the Cambrian Railway Station, and there purchased a newspaper, which first acquainted him with the Bow Street proceedings. Temporarily paralysed, his first impulse seemed to be to hide himself from human observation, and rushing (*sic*) up

the main street he entered the Wynnstay Arms Hotel, where he ordered a carriage, in which he immediately started for his home.

"Mr. Kent visited his daughter in Devizes gaol on Monday (May 1st). Mr. Rodway had also visited her on the previous Saturday, for the purpose of preparing a defence, but she appeared to manifest great indifference to her position, and declined the professional assistance offered her."

The situation caused by Constance Kent's confession was an interesting one, and aroused the widest comment. Was the confession genuine, and if so had it been extracted from her by some occult means? Might the confession not be the result of some obscure mania, or, alternatively, was it not possible that the crime itself had been a manifestation of insanity? The following extract from the *Daily News* is typical of the questions raised at this stage:

"If the Road murder had taken place in France, or any other country on the Continent, Constance Kent would inevitably have been condemned as guilty of the murder of her half-brother. She avows this crime, and this would have been enough for the judges on the other side of the Channel. But it is very different in Great Britain, where magistrates take other views of their duty. It is not sufficient that an alleged criminal present himself or herself before them; they demand proof; the avowal of the crime must be corroborated by witnesses. Constance Kent, so to speak, will have to prove the crime with which she charges herself; the jury must be satisfied by corroborative circumstances of the truth of the avowal. If the crime with which she charges herself could be committed in a moment of insanity, the confession may be the emanation of an insane mind too, though the two facts are not likely to have transpired; and if the latter supposition be true, the question arises whether the con-

fession of an insane person can be legally received. There are, as it stands, many mysteries surrounding the case, but there is reason to congratulate ourselves that, at all events, there will be a free trial. Meanwhile comments are very freely made on the clergyman and Lady Superior to whom, it is alleged, Constance Kent avowed her crime under the seal of the confessional. The assertion of both these persons—that they would not commit a breach of confidence—coupled with their subsequent revelations, is giving rise to many strong remarks. The whole subject is involved in great difficulty, and the trial will be looked forward to with great interest."

It is characteristic of the times that the attitude of Mr. Wagner and Miss Greame should have caused tremendous excitement. The controversy over the "Oxford Movement" was then at its height, and Mr. Pusey was an apostle or a heretic according to the doctrinal outlook of his critics. Looking at the matter impartially, as we can after the lapse of sixty years, it is difficult to avoid the impression that Mr. Wagner, at least, was deliberately inviting persecution by his attitude in the witness-box at Trowbridge, rather in the spirit of an early Christian martyr. The document which he wished to read to the magistrates was as follows:

"I have the following statement to make, that for the past seventeen or eighteen months all the communications which I have had with Miss Kent has been of the most strictly confidential kind, and under the seal of confession. I shall therefore feel it my duty, as a clergyman of the Church, to decline answering any questions whatever, supposing such are put to me, which may have any tendency to criminate Miss Kent, or to divulge anything which has been communicated to me under the seal of confession or secrecy."

It became increasingly difficult to understand why

Mr. Wagner had ever mentioned this most controversial question of the seal of confession at all, unless it was to bring himself and his convictions into the limelight, to strike a blow, as it were, for the High Church point of view. In a letter to *The Times* he makes it quite clear that his evidence could be, and actually was, given without any reference to the matter. "As I have been most unjustly charged by a portion of the public Press with committing the grave offence of betraying Miss Kent's sacramental confession, you will, I am sure, allow me to contradict that assertion in the most public manner possible. It was at Miss Kent's own request, and by her authority, that I communicated to two persons only the fact of her guilt. These two were Sir George Grey and Miss Greame, and the following document written by Miss Kent herself, and given me a few days before Easter, proves that I have only acted in all I have done in accordance with her instructions. The note, which is entirely Miss Kent's own composition, is as follows: 'Sir, it is by my particular request that the bearer now informs you of my guilt, which it is my desire to have publicly made known.—Constance E. Kent to Sir G. Grey.' I may add that the written paper which Miss Kent gave to Sir Thomas Henry at Bow Street was also, to the best of my belief, entirely her own composition. I never saw it, nor was I aware of her having written any paper at all till she herself produced it in Court."

The reply to this was fairly obvious. The *Daily News* remarked that "if, instead of alleging a right or a system, Mr. Wagner had pleaded the confidence which Constance Kent had placed in him as a friend as a reason for not bearing witness against her, he would have placed himself on strong ground. A claim for official immunity excites prejudice, but we can all understand the obligations of ordinary human confidence. If, however, he had

wished to stand in that free position, he should have forborne in the first place to hold himself out as a person desirous of hearing confessions, a systematic receiver of secrets, and in the next place he should not have presented himself as a witness at all."

The *Pall Mall Gazette* said: "Miss Greame at Trowbridge stated that she sent for Miss Kent to her room on Wednesday in Holy Week, and held a religious conversation with her, in which she got at the whole story. Miss Greame also asked Miss Kent if she fully realised what it—that is, the private confession—involved, and was told by Miss Kent that she did. What did it involve if not a public confession? This certainly looks like putting a pressure upon the girl which could only lead to one result. What life was possible for Miss Kent after Mr. Wagner had begun to tell the inmates of the house that one of the number was a murderer? It seems clear, from the evidence given at Trowbridge, that both Mr. Wagner and Miss Greame, while careful to avoid laying any injunction on Miss Kent, were all the while forcing her into a police court; and much value cannot be attached to public confessions obtained by such means."

A very curious light is thrown upon the incident by a correspondence in the *Standard*. On May 6th the following letter appeared in that paper, signed H. H. S.:—"Miss Constance Kent had been twenty-one months an inmate of St. Mary's, Brighton. This is stated in the evidence of her confessor, the Rev. Mr. Wagner. Now, in the early part of this year Miss Constance Kent became of age, and entitled to and received £1000 from the Bank of England. This can be proved by inquiries at the Bank. It would be satisfactory to know if it could be ascertained when she first made her confession of guilt. Was it subsequent to her receiving her money in February last, not much more than two months ago?

Had she kept the secret in her own heart during the preceding nineteen months, although she had regularly confessed during that time? If she had previously confessed, why had it been kept a secret until after she had received her money, and then divulged? What has she done with her £1000? Has she that sum by her; if not, who has it, and who will find the money for her defence?"

The following reply to this letter appeared in the *Standard* on May 9th:—"The unworthy imputation conveyed by the letter of your anonymous correspondent 'H. H. S.' is one which, in this neighbourhood, would scarcely have needed any notice. But away from Brighton, and where the character of Mr. Wagner is unknown, as the question is one which might reasonably be asked, it shall receive a straightforward reply. It is quite true that Miss Kent received a sum of money on her coming of age in the early part of the present year. A considerable portion of this sum, I am informed by Mr. Wagner, she wished to apply towards the charities of St. Mary's Hospital, but he declined to receive it. On the evening of the day before Miss Kent left Brighton, a sum of between £700 and £800 was found in one of the alms-boxes of St. Paul's Church, and Mr. Wagner has since ascertained that it was placed there (though without his knowledge) by Miss Kent. This money is now in the London and County Bank, and will be retained only until its proper application shall have been determined by Sir George Grey." This letter was signed "Arthur W. Woods, Solicitor to the Rev. A. D. Wagner."

The popularity of Mr. Wagner in Brighton, suggested in the above letter, seems to have had somewhat curious manifestations. At the end of May three men were charged with assaulting him in the streets of that town,

and it came out in the course of evidence that this was by no means the first occasion upon which such an incident had occurred. At the same sitting of the magistrates Miss Greame applied for and was granted summonses against three women for annoying the inmates of the Hospital, by shouting through the doors, using foul language, throwing things through the window, and molesting the inmates as they walked the streets. Brighton, in fact, seems to have been thoroughly roused against the "Puseyites," as they were called. Popular feeling culminated at a meeting held in the Town Hall under the auspices of the Brighton Protestant Association, at which a Puseyite clergyman ventured to appear. "He had spoken but a few words when simultaneously the table was tipped over and his legs were seized. He fell on the table, the latter gave way, and inkstands, candlesticks, documents, water-bottles, tumblers, etc. came pouring on the heads of the reporters, who were sitting just beneath. . . . The entreaties of the chairman and Mr. Whalley for peace and order were unheeded, and the aspect of affairs was really very serious, when Superintendent Barnden and a file of the Borough police opportunely made their appearance, and, closing round the reverend gentleman, got him to the post office, and thence to his home. The Puseyite churches and institutions were guarded throughout the night by police."

But to return to the seal of confession, and the legality of its observance in a court of law. On May 9th, Mr. Whalley, M.P., who is mentioned above as being in attendance at the Protestant meeting at Brighton, asked the following questions in the House of Commons:— "With reference to the proceedings against Constance Emilie Kent, and the refusal of the Rev. A. D. Wagner, perpetual curate of St. Paul's, Brighton, and also of a

person calling herself Superioress (*sic*) of St. Mary's Hospital, an institution attached to that church, to give evidence of certain facts on the ground that the same became known to the said Rev. A. D. Wagner under the seal of confession, and to the said Superioress under some like pretence,—to ask the Secretary of State for the Home Department whether the Government would introduce any Bill this Session for the purpose of preventing such persons as the Rev. A. D. Wagner from officiating as a clergyman of the Church of England, and receiving the emoluments thereof; and whether the magistrates were justified in allowing the said Rev. A. D. Wagner and the said Superioress to refuse to give evidence on such ground." To which Sir George Grey replied that Her Majesty's Government had no intention of proposing such a Bill. The case in question occurred before a full bench of magistrates, and he was not aware that they allowed any person to refuse to give evidence. At the trial no doubt all necessary evidence would be forthcoming.

But the matter did not rest here. A long discussion on the principle ensued in the House of Lords, without any very satisfactory result. "The discussion in the House of Lords on Mr. Wagner's case has thrown little light on the matter, except that the Lord Chancellor has assured us that the law of England does not permit anyone to refuse to answer a question put in a court of justice on the ground that the information sought to be elicited was imparted in confession. Lord Granville tells us that the Bishops have no remedy, and the Bishop of London declares that he and his Right Reverend brethren will not be deterred 'from bringing an offender to justice where there is a distinct violation of the law.' Seeing that Mr. Wagner did what the Lord Chancellor tells us the law

of England does not permit, these conflicting statements are very suggestive." The whole point appears to be that no one, except perhaps Mr. Whalley, was anxious to provoke sectarian strife, and that everyone looked to the forthcoming trial at the Wiltshire Assizes, the place where all these conflicting questions would be finally set at rest.

CHAPTER IX

Before dealing with Constance Kent's confession in detail, it will be interesting to quote a letter written on November 23rd, 1860, by Inspector Whicher. This letter explains in detail the theory which Inspector Whicher had formed as to the crime, and may be compared with Constance Kent's own narrative of events. The letter is addressed to Mr. Handcock, Chief Superintendent of the Bristol Police.

" I have been on several occasions about addressing a few lines to you relative to the Road murder, as I have not had the pleasure of seeing you since the discharge of Miss Constance, for whose arrest I had such severe castigation from all quarters. Although I admit there was not sufficient evidence for her further detention, still I believe, had there been Counsel for the prosecution to have opened the case and examined the witnesses properly, it would have assumed a somewhat different shape in public opinion. The witness, Miss Moody, in reference to animus, did not give the evidence I was given to understand she could have done. Then, as regards the night-dress taken from the clothes basket two days after the murder, it was no part of my theory that that was the one worn on the night of the murder, but the one put on afterwards, slept in for the remainder of the night, and found in the morning by Superintendent Foley and Mr. Parsons, the surgeon. The latter describes it as very clean, and says that he drew Foley's attention to the fact, but it appears that he did not take the hint—viz.

that it had been changed during the night. This was the dress abstracted from the clothes basket, entered in the washing-book to the laundress, not with the view (as erroneously supposed) of destroying it, but of taking it back into use and having two in possession, and to make the laundress blamable for the one that was deficient.

" Now, after all that has been said in reference to this case, and the different theories that have been advanced, there is in my humble judgment but one solution to it; and if you had made the personal investigations I did I am certain you would have come to the same conclusion. But possibly you, like others, have entirely been led by what you have heard, especially as regards the theory of Mr. Kent and the nurse being concerned in the murder, simply upon the vague suspicion that he might have been in her room, etc. Now, in my opinion, if there was ever one man more to be pitied, or who has been more calumniated than another, that unfortunate man is Mr. Kent. It was bad enough to have his darling child cruelly murdered, but to be branded as the murderer is far worse; and according to the present state of public opinion he will be so branded to the day of his death, unless a confession is made by the person who I firmly believe committed the deed. I have little doubt but that that confession would have been made if Miss Constance had been remanded for another week.

" Now, my opinion is, in the first place, that the fact of there being two families, or rather a stepmother and a family by that stepmother, was the primal cause of the murder; and that the motive was jealousy towards the children of the second marriage. The deceased was the favourite child, and spite towards the parents, the mother in particular, I believe to have been the actuating motive of Constance Kent. The reasons for my suspicions are

as follows:—Miss Constance possesses an extraordinary mind, which I think is proved by what she and her brother did on a former occasion. The two medical men mixed up in the present case believe her to be a monomaniac. Now, nothing happens to the child while she is at school, but on the fourteenth night after her arrival in the house the child is murdered, and by someone in the house. Now, who was there in that house likely to entertain any bad feeling towards the deceased but the person in question?

"Again, whoever did the deed doubtless did it in their night clothes. When Constance Kent went to bed that night she had three night-dresses belonging to her in the house. After the murder she had but two. What, then, became of the third? It was not lost at the wash, as it was so craftily endeavoured to make it appear, but was got rid of in some other way. Where is it, then, and what became of it? I do not think that the knife was intended to be used in the first instance, but that the wicked plan was to have thrown the poor child down the privy, believing he would have sunk into the soil out of sight. The window was probably opened previously to the murder, thereby intending to make it appear that the child was stolen; and when it was found that the child would not pass down the privy, the knife was used with a view to making death certain. This is my theory, and if a more reasonable one can be adduced I will most willingly bow to it, but until then I cannot alter it, although I know it is not the prevailing one.

"I want to draw your particular attention to a most important fact which oozed out the other day at Mr. Saunders' inquiry, which was stifled in its birth by the police concerned, or at least they attempted to do so by pooh-poohing it. It now appears that on the day of the

murder, on searching the house, the police found a blood-stained night-shift secreted in the boiler-hole of the back kitchen. Now, up to the time of Mr. Saunders' inquiry this important fact had been kept a perfect secret, and it would not have come out then had it not been for a Sergeant Watts of the Somerset Constabulary letting it out in some way, and he does not appear to have been compromised in the losing of it. I see that the matter was passed over very lightly by Foley and Dallimore (of the Wilts police), telling Mr. Saunders that they did not take the trouble to find out who it belonged to, as they showed it to the surgeon, Mr. Stapleton, who said the stains arose from natural causes, and that they put it back in the boiler-hole again, or down by the side of it, and that was all they knew about it.

"As regards their having shown the dress to Mr. Stapleton, it turns out to be an untruth, as the one they showed him was one belonging to the elder Miss Kent, which was found in her bedroom. Mr. Stapleton says they never showed him the one found in the boiler-hole, nor did they ever name the circumstance to me or to any of the magistrates. The real truth of the matter is, I have no doubt, that by some carelessness they lost possession of it either by putting it out of their hands and Constance got possession of it again, or they put it back in the boiler-hole to try to catch the owner coming to take it away, and it having been got away without their knowledge, a compact of secrecy was entered into with reference to it which was well kept, for, as said before, not one word was said to me or to the magistrates, or in fact to anyone, about the finding of this dress or shift, and it would not have come out now if it had not been for Watts, who found it, but who was not compromised in the losing of it. Whose it was must now, through this

bungling, like the other part of the case, remain a mystery. The magistrates (one of whom has been up to see me about it) are making an investigation into the matter; and I am told that on finding the statement that the dress or shift was shown to Mr. Stapleton was denied by him, the police said it had been found to belong to the cook, but on inquiry this also turns out to be untrue.

"Now, just imagine a blood-stained garment being found in a house where a murder had just been committed by 5 p.m. on the same day, supposing the account first given to be true, to put it back into the hiding-place again without further inquiry would hardly be believed. I have, however, little doubt that it was let slip in the way I have described, and that would account for what I never could get an explanation—viz. why the men were secreted in the kitchen the same night. Foley never would explain that to me, but Mr. Kent said in his evidence that Foley told him it was to see if anyone got up to destroy anything, but they did not tell him what they had found."

Remembering the details of this letter—which was not disclosed until after Constance Kent's examination at Trowbridge, in 1865—we may return to the narrative of subsequent events.

"On Wednesday morning (July 19th) a number of workmen were engaged in erecting barriers in front of the Council Chamber, Salisbury, for the purpose of keeping back the immense crowd which was expected to press into the Court on the occasion of the extraordinary trial of Constance Kent. As the morning wore on the excitement became great, and many were anxious to get into Court to hear the Commission opened. Constance Kent arrived in the city on Tuesday night, having been brought over by the Governor of Devizes gaol from that prison

for the purpose of undergoing her trial. Till the time for the commencement of the trial she was confined in the county gaol of Wiltshire, at Salisbury. Mr. Karslake, Q.C., and Mr. Lopes were appointed to conduct the prosecution, and Mr. Coleridge, Q.C., Mr. Ravenhill, and Mr. Edlin were retained for the defence.

"It is said that Dr. Bucknill, who was formerly the chief medical adviser of the County Asylum at Exminster, Devonshire, now employed by Government, and who ranks high as an authority in his profession, advised the defence to abandon the plea of insanity. Since Miss Constance Kent has been in prison at Devizes she has not manifested any symptoms of unsound intellect, but it is not to be understood that her friends ever pretended she was subject to repeated attacks of homicidal tendency. . . .

"The Grand Jury, consisting of twenty-three county magistrates, Lord H. Thynne, foreman, having been sworn, the judge charged the jury, and in reference to the case of Constance E. Kent entered into a narrative of the case, dwelling upon the fact that the missing night-gown with blood was a material fact in the case. The inquiries in 1860 being fruitless, the family left the neighbourhood, and Miss Kent was sent abroad. Afterwards she was placed in St. Mary's Hospital, Brighton, and in consequence of several conversations with Miss Greame, the Lady Superior, Mr. Wagner was communicated with, and the prisoner confessed that she murdered her brother out of spite to her stepmother. Subsequently the confession in writing was signed by her, and in consequence the prisoner was taken before Sir T. Henry, and by him sent to the Wiltshire magistrates, where, on being asked, with the usual caution, whether she had anything to add, she said that she did it of her own free will. The learned judge cautioned the jury that such

confession should be closely watched, but that the confession of the prisoner, coupled with concurrent circumstances, warranted him in advising them that it was their duty to find a true bill against her."

The true bill was returned, and two days later Constance Kent appeared.

" It was generally understood in the city (of Salisbury) that the trial of Constance Kent for the murder of her brother would commence this morning (July 21st) at nine o'clock. Long before that hour the vicinity of the Council Chamber was besieged, and, notwithstanding the barriers that had been erected and the strong body of police who endeavoured to keep back the crowd, the crush was very great. While all was excitement out of doors, and many were vainly endeavouring to obtain admission to the trumpery little Crown Court, the fate of the unhappy girl was being decided, and by half-past nine o'clock she was again an inmate of the county gaol.

" As soon as Mr. Justice Willes had taken his seat, the prisoner was placed at the bar, and the eyes of all who had been fortunate enough to obtain ingress were fixed upon her. She was similarly attired as when at Trowbridge—black dress, mantle, bonnet and veil, the latter completely hiding her features. We understand that Mr. Kent and Miss Mary Ann Kent were on the premises, though not in Court, and Mrs. Kent was in the city, all of whom are believed to have had interviews with the prisoner.

" During the reading of the indictment there was a solemn silence throughout the Court; and when called upon for her plea, the prisoner answered, in a calm, low voice, " Guilty." The learned judge then asked the prisoner if she clearly understood that the indictment charged her with wilfully killing and slaying her brother

of malice aforethought, to which she replied that she perfectly understood it. Mr. Justice Willes again repeated the question, and once more her reply was that she was perfectly aware of what her plea involved.

"Mr. Coleridge then rose, amid the most painful silence, and stated to his Lordship that the prisoner wished to inform the Court that she alone was guilty of the murder, and that she wished to make her guilt known and atone for the crime, with the view of clearing the character of others of any suspicion that might have been unjustly attached to them. It afforded him pleasure to have the melancholy duty of stating that there was no truth whatever in the report that the prisoner was induced to perpetrate the crime because of harsh treatment received at the hands of her stepmother, for Miss Constance Kent had always received the most uniform kindness from that lady, and on his (the learned Counsel's) honour he believed it to be true.

"The learned judge then assumed the black cap, and the prisoner was asked if she knew any reason why sentence of death should not be passed upon her, to which she gave no reply.

"His Lordship then proceeded to pass the usual sentence of death upon the wretched girl in an unusually impressive and solemn manner, during which the greater part of the assembly, as well as the jury, were in tears. When the learned judge had proceeded about half-way through the awful sentence he literally broke down from excessive emotion, in which he was joined by the prisoner, who threw back her veil and wiped the tears from her eyes. In a few seconds she resumed her former composure and calmness, and amidst great manifestations of feeling the sentence was completed.

"The proceedings lasted only a few minutes, and

before any of the witnesses were admitted to the Court the condemned criminal was being conveyed in a prison van to the county gaol. Mr. Whicher and Inspector Williamson were present, and, amid so much that is painful, one cannot fail to express the utmost sympathy with the former, or his meed of praise for the tenacity with which he clung to a conviction that no one will ever more doubt."

The *Daily Telegraph* was responsible for some very interesting comments upon the proceedings. "Constance Kent was dressed in deep mourning, the same as when she appeared before the Trowbridge magistrates; but while on that occasion she sat throughout with a thick veil drawn closely over her face, she now had it lifted. She looked in good bodily health, though rather paler than when before the magistrates. She is an exceedingly plain-looking young person, and totally unlike the photographs which are sold as portraits of her. She has a broad, full, uninteresting face, which wears more an expression of stupid dullness than intelligence, and at first sight a person would hardly suppose that she was possessed of so much cunning as that which she displayed in the perpetration of the murder, which, it will be recollected, was a crime displaying the most remarkable coolness and craft. Indeed, the full proof of her peculiar cunning is the fact that she most effectually baffled justice until compelled to disclose her guilt by an accusing conscience. Even at the critical moment when she was arrested by Mr. Inspector Whicher at her father's house five years ago, she maintained astonishing fortitude, only shedding a few tears when the warrant for her apprehension was read by him. She has full eyes, in which at times there is a look as if she was suspicious of those surrounding her, and which may be best described as the

glance of a person who is afraid of something. When she turned towards the Bench, she fixed her gaze upon the front of the dock, and did not look towards the judge, except once during his Lordship's address to her, when she raised her eyes for a moment during a pause which he made through being overcome by emotion. The prisoner herself then gave way to a burst of grief, which, however, she endeavoured to overcome."

The Times contained the following interesting detail :— " From the situation in which the reporters were placed in the Court at Salisbury it was impossible for them to catch every word that was uttered. It seems to be perfectly clear from the statement of several members of the bar who were close under the prisoner, that when the judge in passing the sentence observed that she had ' allowed feelings of jealousy and anger to have worked in her heart ' the prisoner said : ' Not jealousy.' "

There was a very general feeling of regret expressed at the time that no trial had taken place. The case had raised many curious points, and a plea of " Not Guilty " would have resulted in a thorough investigation of much that necessarily remained unexplained. The *Daily Telegraph*, for instance, commented as follows :

" It will be a satisfaction to the public to know that the prisoner has made a detailed confession, which is in writing, and in the possession of a friend of the Kent family. For some reason or other it has not been thought proper to publish it at the present moment ; but it is understood that the family will do so shortly. That this murder was committed wilfully, intentionally and of malice, would, it is said, have been abundantly proved had the case gone before the jury. Misses Haverhill and Moody, two young ladies who were schoolfellows with Constance Kent in the half-year which ended in the

June when the murder was committed, would have been called to prove that during that half-year Miss Kent frequently gave vent to expressions which left no doubt that she cherished the greatest possible animus towards Mrs. Kent and Francis Saville Kent. Thirty-five witnesses would have been called, and their united statements would have presented the case against the prisoner in a manner which would have left no reasonable doubt of her guilt, quite irrespective of her confession. This assertion is confirmed by the fact that while the learned judge was passing sentence he expressed his belief that such would be the case.

"Many conjectures have been hazarded respecting the weapon which the murderer used, from the fact that the child had its throat cut and also a stab in the heart. The medical evidence hitherto has not been clear as to whether these two wounds could have been inflicted by the same instrument, as it was not easy to understand how a stab could be inflicted with a razor. This was one of the reasons which induced some people to think that there was more than one person engaged in the murder, as it was hardly probable that the perpetrator would take a razor or such-like weapon to cut the throat and a sharp-pointed instrument to stab with. This point would also have been cleared up. Medical witnesses would have stated that, judging by the direction which the stab in the heart took, and the general nature of the wound, it was quite possible to have inflicted both with the same weapon. The stab was not such as would have been given by a direct blow from a dagger, but was one as though the razor had been pressed into the body with a strong hand. The detailed confession which Constance Kent has now made is said to confirm this, for she acknowledges that she only used a razor.

" In explanation of the evidence which was to have been given by the Misses Haverhill and Moody, it should be said that not only did the prisoner give utterance of her dislike towards her stepmother and half-brother, but positively assigned as the reason 'the partiality which was shown towards Francis.' Since the committal of the prisoner by the Trowbridge magistrates she has conducted herself in a very quiet and proper manner. She has never once stated that she was not guilty, but, on the contrary, has firmly adhered that her confession was perfectly true, and her steadfast resolution to plead guilty at her trial. Representations were made to her that it was not absolutely essential that she should plead guilty, but that the trial should take place. However, nothing could make her waver in acknowledging her guilt."

The *Daily News* " very much regrets that there has not been a trial, for we should then have had a full examination and cross-examination of the persons who have hitherto sheltered themselves behind the 'seal of confession,' and out of this examination would probably have ultimately arisen some legal settlement of the present conflict between our law courts and the confessional."

Nobody imagined for a moment that the death sentence would be executed. *The Times* unhesitatingly declared that capital punishment was out of the question in the case of a young woman of twenty-one, who committed a crime while scarcely emerging from childhood. On the other hand, there was not sufficient proof of insanity to justify the Home Secretary in sending her to an asylum. Substantial justice would be done by a simple commutation of the sentence and by secluding the prisoner from the world whose laws she had so terribly violated. The *Observer* remarked : " Constance Kent has been convicted

and sentenced to death for murder. The crime has been most cruel and most deadly. Mr. Justice Willes—although not given to the melting mood—was seriously affected when he passed sentence of death. But although he could hold out no hope of mercy himself, he yet suggested some points which perhaps might weigh with those who have to advise the interposition of the prerogative of mercy. In the first place there was no trial. This is always unsatisfactory. But it could not be avoided, for the Counsel was cognisant and approving of the plea. In the second place, she was convicted on her own confession, which is also unsatisfactory—all the more since the former charge had failed for want of evidence. In the next place, the distance of time, her age, her sex, all plead against her execution being otherwise than revolting to a great part of the population."

It was therefore without astonishment that the world received the following notification :—" The case of Miss Constance Kent was on Wednesday (July 26th) taken into the consideration of Sir George Grey, the Secretary of State for the Home Department.

" After deliberating upon all the circumstances of the crime and of the confession, the Home Secretary decided upon recommending to the Queen that the convict's sentence should be commuted to one of penal servitude for life. Her Majesty has been graciously pleased to act upon the recommendation, and Constance Kent will therefore not be executed.

" The unhappy young woman will now undergo in every respect the same punishment as ordinary criminals sentenced to penal servitude for life."

The comment of the *Journal* upon this commutation of sentence is interesting. " It (the commutation) will at once approve itself to the public mind as a decision con-

formable to justice and humanity, under all the circumstances of the case. We have no sympathy with that morbid sentimentality which would have released her from severe punishment because of her sex and her youth. These, in our opinion, add intensity to the atrociousness of the crime which she perpetrated. Murder, under all circumstances, is most terrible, but doubly so when committed by a sister on her own brother, when lying on his bed unconscious and innocent, and that to gratify a feeling of revenge towards another person. Surely, if any culprit ever deserved death, Constance Kent did. Still, the circumstances of the case are such that we believe that the public will feel that the mitigated punishment meets all its requirements. She has been convicted on her own confession; all the efforts at detection by ordinary means have utterly failed, and the probability is that, but for her own confession, the crime would have remained a mystery and defied all further investigation. Then there is no reason to suppose that she pleaded guilty in the hope of extenuating her guilt, or of eluding the consequences of its discovery. Her confession was declared by her Counsel to be an act of contrition, remorse, expiation, whatever external influence may have stirred her heart or her conscience to make it. It is impossible to tell the amount of punishment she has undergone during the last five years from the lashings of conscience, and it is even now questionable whether death would not be to her more tolerable than life with the continual torture of a remorseless conscience."

The extent of the " external influence " to which the *Journal* refers was never revealed. It certainly seems remarkable that five years after the event, when the murder of her brother, if not forgotten, was by no means the burning question that it had been in 1860 and 1861,

and when all investigation into it had completely ceased, Constance Kent should have at last determined to confess, without any pressure having been put upon her to do so. Her position during the five years between the murder and the confession was a curious one. She was one of those most intimately connected with a crime of world-wide notoriety. She had even been arrested as the perpetrator of that crime, and although she had not been proved guilty, she had not been formally discharged. A very large school of opinion, led by Inspector Whicher, still believed her to be the culprit.

In her own family there can have been even less doubt than there existed beyond it. Her father in particular—though, to the last, he professed to believe in the guilt of the unfortunate Elizabeth Gough—must have known certainly that Constance was the murderer. In the face of this knowledge it was obviously impossible that she should remain with the family. Almost immediately after their departure from Road Hill House, Constance was sent to a convent at Dinan in Britanny, not, it is important to note, as an inmate, but as a pupil. She remained at this Convent de la Sagesse for some time, then went on to a finishing school kept by a certain Mdlle. de la Tour, then a comparatively fashionable establishment. A contemporary letter throws a very interesting light upon her at this period. It is written by an English woman living at Dinan, and the following is an extract from it:—" I never saw her, but everyone I know did, and all describe her as a flat-faced, reddish-haired, ugly girl, neither stupid nor clever, lively nor morose, and only remarkable for one particular trait, her extreme tenderness and kindness to very young children. In the whole school in which she was a pupil she was the one

who would probably be the least remarked if all were seen together."

From Mdlle. de la Tour's, Constance Kent, still with this indefinable mystery hanging round her, was removed to the strange environment provided by St. Mary's Hospital. It does not appear that she chose this retreat for herself; her behaviour hitherto had shown that she had no hesitation in facing the world. But her family could not receive her, and in those days there was no alternative before her but to seek refuge in some such establishment. It seems almost incredible that Miss Greame and Mr. Wagner should have accepted this girl, pointed at as she was by the finger of the strongest possible suspicion, or tainted with the implication of what was to all intents and purposes a verdict of " Not Proven," unless they had some hope that the influences of religion should prevail upon her to unburden her conscience.

It is unfortunate that the attitude of both Miss Greame and Mr. Wagner makes it possible to doubt the sincerity of their protestations that they applied no pressure to extort the confession. Making all allowance for the conflict then raging between " Puseyite " and Protestant, and for a perhaps natural desire on the part of Miss Greame and Mr. Wagner to declare their convictions, one cannot refrain from the conclusion that they were most ill advised to bring in the burning question of the seal of confession. A plain statement of fact was all that was demanded of them, and this they manifestly refused to give. The actual fact appears to have been that Constance Kent revealed her guilt in the course of auricular confession at some period during her residence in the Hospital. Her spiritual advisers, as they were fully justified in doing, pointed out to her that her surest means of obtaining forgiveness in the sight of God was to give

herself up to justice. Provided that they had employed no pressure beyond this recommendation, either spiritual, by refusing admission to the Sacraments of the Church, moral, by creating a hostile atmosphere, or material, by threatening expulsion from the community, they would incur no blame whatever. Once Constance Kent had decided to take their advice and give herself up to justice, they were at liberty, and, indeed, were legally bound, to tell what they knew. It is difficult to believe that even the most rigid "Protestant" would have blamed them.

But they preferred to follow a more tortuous course, and it is hard to escape the suggestion that they did so to conceal the evidences of pressure—spiritual, moral, or material—applied by them. This suspicion is strengthened by the haste which they displayed in rebutting every suggestion which seemed likely to reflect upon their actions. Immediately upon the publication of the report of the proceedings at Salisbury, Mr. Wagner wrote a letter to *The Times* in which the following passage occurs: —"I think it is of importance to correct a mistake as regards a matter of fact into which Mr. Justice Willes would appear to have fallen. He is represented to have said that Miss Greame 'commenced conversation with Constance Emilie Kent in 1863 with reference to certain suspicions that existed in her mind as to her having been the murderess of her brother.' So far from this being the case, I can state, of my own positive knowledge, that Miss Greame never had the smallest suspicion of her guilt, much less any conversation with her on the subject, till after Miss Kent had authorised me in April 1865 to communicate with Sir George Grey."

It need hardly be pointed out that this statement cannot be reconciled with the evidence given by Miss Greame before the Trowbridge magistrates. It would

perhaps be uncharitable to judge it on the grounds of its intrinsic improbability.

It was not until the end of August that the detailed confession, long known to have been made by Constance Kent, was made public. The following is extracted from the newspapers of the time:

"We have at length authentic details, from the lips of Constance Kent herself, of the crime of which she confessed herself guilty when placed on her trial at Salisbury. Dr. John Charles Bucknill, of Hillmorton Hall, near Rugby, who with the permission of the Lord Chancellor examined the accused for the purpose of ascertaining whether there were any grounds for supposing that she was labouring under mental disease, has at the request of the criminal herself communicated the following details of her crime, which she has confessed to him and to Mr. Rodway of Trowbridge, her solicitor, and which she desires to be made public. The following is Mr. Bucknill's letter:

"'I am requested by Miss Constance Kent to communicate to you the following details of her crime, which she has confessed to Mr. Rodway, her solicitor, and to myself, and which she now desires to be made public.

"'Constance Kent first gave an account of the circumstances of her crime to Mr. Rodway, and she afterwards acknowledged to me the correctness of that account when I recapitulated it to her. The explanation of her motive she gave to me when, with the permission of the Lord Chancellor, I examined her for the purpose of ascertaining whether there were any grounds for supposing that she was labouring under mental disease. Both Mr. Rodway and I are convinced of the truthfulness and good faith of what she has said to us.

"'Constance Kent says that the manner in which she

committed her crime was as follows. A few days before the murder she obtained possession of a razor from a green case in her father's wardrobe, and secreted it. This was the sole instrument which she used. She also secreted a candle with matches, by placing them in the corner of the closet in the garden where the murder was committed. On the night of the murder she undressed herself and went to bed, because she expected that her sisters would visit her room. She lay awake watching until she thought that the household were all asleep, and soon after midnight she left her bedroom and went downstairs and opened the drawing-room door and window shutters.

"'She then went up into the nursery, withdrew the blanket from between the sheet and the counterpane, and placed it on the side of the cot. She then took the child from his bed and carried him downstairs through the drawing-room. She had on her night-dress, and in the drawing-room she put on her goloshes. Having the child in one arm, she raised the drawing-room window with the other hand, went round the house and into the closet, the child being wrapped in the blanket and still sleeping, and while the child was in this position she inflicted the wound in the throat. She says that she thought the blood would never come, and that the child was not killed, so she thrust the razor into its left side, and put the body, with the blanket round it, into the vault. The light burnt out. The piece of flannel which she had with her was torn from an old flannel garment placed in the waste-bag, and which she had taken some time before and sewn it to use in washing herself.

"'She went back into her bedroom, examined her dress, and found only two spots of blood on it. These she washed out in the basin, and threw the water, which

was but little discoloured, into the footpan in which she had washed her feet overnight. She took another of her night-dresses and got into bed. In the morning her night-dress had become dry where it had been washed. She folded it up and put it into the drawer. Her three night-dresses were examined by Foley, and she believes also by Mr. Parsons, the medical attendant of the family. She thought the blood stains had been effectively washed out, but on holding the dress up to the light a day or two afterwards she found the stains were still visible. She secreted the dress, moving it from place to place, and eventually burnt it in her own bedroom, and put the ashes or tinder into the kitchen grate. It was about five or six days after the child's death that she burnt the night-dress.

" ' On the Saturday morning, having cleaned the razor, she took an opportunity of replacing it unobserved in the case in the wardrobe. She abstracted the night-dress from the clothes basket when the housemaid went to fetch a glass of water. The stained garment found in the boiler-hole had no connection whatever with the deed. As regards the motive of her crime, it seems that although she entertained at one time a great regard for the present Mrs. Kent, yet if any remark was at any time made which in her opinion was disparaging to any member of the first family she treasured it up and determined to revenge it. She had no ill-will against the little boy, except as one of the children of her stepmother. She declared that both her father and her stepmother had always been kind to her personally, and the following is a copy of the letter which she addressed to Mr. Rodway on this point while in prison before her trial:

" ' Devizes, May 15th. Sir,—It has been stated that my feelings of revenge were excited in consequence of

cruel treatment. This is entirely false. I have received the greatest kindness from both the persons accused of subjecting me to it. I have never had any ill-will towards either of them on account of their behaviour to me, which has been very kind. I shall feel obliged if you will make use of this statement in order that the public may be undeceived on this point. I remain, sir, yours most truly, Constance E. Kent. To Mr. Rodway.

" ' She told me that when the nursemaid was accused she had fully made up her mind to confess if the nurse had been convicted, and that she had also made up her mind to commit suicide if she herself was convicted. She said that she had felt herself under the influence of the devil before she committed the murder, but that she did not believe, and had not believed, that the devil had more to do with her crime than he had with any other wicked action. She had not said her prayers for a year before the murder, and not afterwards until she came to reside at Brighton. She said that the circumstances which revived religious feelings in her mind was thinking about receiving sacrament when confirmed.

" ' An opinion has been expressed that the peculiarities evinced by Constance Kent between the ages of twelve and seventeen may be attributed to the then transition period of her life. Moreover, the fact of her cutting off her hair, dressing herself in her brother's clothes, and leaving her home with the intention of going abroad, which occurred when she was only thirteen years of age, indicated a peculiarity of disposition, and great determination of character, which foreboded that, for good or evil, her future life would be remarkable.

" ' This peculiar disposition, which led her to such singular and violent resolves of action, seemed also to colour and intensify her thoughts and feelings, and

magnify into wrongs that were to be revenged, any little family incidents or occurrences which provoked her displeasure.

" ' Although it became my duty to advise her Counsel that she evinced no symptoms of insanity at the time of my examination, and that, so far as it was possible to ascertain the state of her mind at so remote a period, there was no evidence of it at the time of the murder. I am yet of the opinion that, owing to the peculiarities of her constitution, it is probable that under prolonged solitary confinement she would become insane.

" ' The validity of this opinion is of importance now that the sentence of death has been commuted to penal servitude for life; for no one should desire that the punishment of the criminal should be so carried out as to cause danger of a further and greater punishment not contemplated by the law.' "

Before proceeding to examine in detail this extraordinary " confession," which is not the least amazing feature of the case, it will be instructive to quote contemporary comment, and for this purpose an extract from a leading article in *The Times* of August 30th is most suitable.

" It will be a relief to the public mind to be offered a detailed confession from Constance Kent. So far as her confession had previously gone, it amounted simply to acknowledgment of the fact, and it contained no explanation either of the motive for the crime or of the manner in which it had been committed. In this respect it was certainly very unsatisfactory, and though it was impossible not to feel, with the judge, that the confession had every appearance of truth, yet it was equally impossible not to be anxious that it should be made complete by the addition of the circumstances of the murder. There were

those, indeed, who regretted for this reason that the trial came to so summary a conclusion, and that by pleading guilty Constance Kent prevented the matter being further sifted by a judicial inquiry, which, in this instance, would have been narrowed by her confession to a definite point. . . .

" There is nothing in this part of the story (the commission of the murder) which can be in any way questioned, unless the medical evidence should have anything to say with respect to the manner in which she describes the wounds as having been inflicted. The difficulty, if it be one, of making the terrible journey from the nursery to the closet without disturbing anyone, even the child, is inseparable from the nature of the case, and with regard to this we can only accept Constance Kent's own description. The most extraordinary part of the story commences afterwards, and relates to the night-dress, of which so much was made at the time by Inspector Whicher. She wore, she says, in committing the deed, only a night-dress, and when she got back to her room she examined this, and found two spots of blood upon it. These she washed out, pouring the water, which was only slightly discoloured, into the footpan which she had used the night before. ' In the morning her night-dress had become dry ; she folded it up and put it into the drawer.' This, of itself, seems somewhat strangely at variance with the caution she had otherwise displayed. A soiled night-dress, discarded just before the end of the week, folded up, and put away in a drawer, would seem likely at once to attract suspicion ; and it is easy to suppose that every sign of recent washing had been removed, while she herself subsequently discovered that the marks of blood had not entirely disappeared.

" But what follows is more extraordinary still. ' Her

three night-dresses were examined by Mr. Foley, the superintendent of police, and by Mr. Parsons, the surgeon of the family.' Would it have been credible that two persons of such intelligence as Foley and Parsons should have examined these three dresses, one of which had been only just taken into wear, and another had evidently been recently discarded, without being led to some suspicion? And if suspicion had once been thus awakened, and the soiled dress more carefully examined, must not the still lingering stain of blood have attracted attention? The rest of the story of the night-dress is very much as Inspector Whicher imagined it, except that, strange to say, the blood-stained night-dress found in the kitchen, which seemed to give so much plausibility to his conjecture, is said by Constance herself to have had nothing to do with the matter. It still remains a mystery, therefore, to whom this night-dress belonged, and how and why it so strangely disappeared. Constance Kent's night-dress was really removed from the clothes basket while the maid-servant was sent for a glass of water, but it is not clear whether this was not the very dress in which the murder was committed on Saturday morning, and the clothes went to the wash on Monday. It was, moreover, 'five or six days afterwards' that she burnt the dress. She had meanwhile 'secreted it, moving it about from place to place.' The razor was replaced in its case on Saturday morning.

"Such are the details now afforded us of this extraordinary crime, which seems not to diminish in perplexity and strangeness as it is unravelled step by step. It is evident that we have not yet obtained a complete account of all the circumstances, whether from that obliquity of mind which seems to prevent every criminal from making a perfectly accurate confession, or from mere

inadvertence or omission on the part of the narrator, it is impossible to say. The motive assigned for the murder is not the least extraordinary part of the story. She repeats her assurance that she had received nothing but kindness from her father and the second Mrs. Kent, and she adds that she had no ill-will whatever against the boy. It was simply that ' if any remark was at any time made which in her opinion was disparaging to a member of the first family, she treasured it up and determined to revenge it.' These trivial vexations, and nothing else, were sufficient to incite her to take such a horrible revenge. She must, indeed, as we cannot but believe for the sake of human nature, possess what Mr. Bucknill calls ' great peculiarities of disposition and great determination of character.'

" Altogether, a more horrible story has seldom been placed before the world. A description given by a girl of twenty-one of the way in which, when only fifteen, she murdered her little brother from no motives but those of the most trifling spite, the horrible deliberation which every turn in the story displays, the indifference or the still more diabolical self-possession which it indicates—these things combined form a picture which may well make us shudder. Let us hope that the mystery which remains may soon be unravelled, and the terrible tale consigned to a quick oblivion."

The *British Medical Journal*, commenting upon Dr. Bucknill's letter, remarked :—" How would Dr. Bucknill have been able, in a court of law, if he had then ventured such an opinion, to separate the premonitory insane signs, on which he must have argued, from insane signs themselves ? How could he draw the distinction between signs indicative of coming insanity and those indicative of existing insanity ? Surely these abnormal conditions

could only represent degrees of the same condition; and we apprehend that Dr. Bucknill would have been forced, in a witness-box, to confess as much, and, in truth, from his own showing of the case, have been compelled logically to the conclusion that Constance Kent was already in an appreciable degree insane. If put to the proof to show that she would one day become insane, he would assuredly have been compelled to tell the signs on which he founded the opinion; and it seems to us that he could only have told of signs which were those indicative of an existing abnormal mental condition."

The published confession of Constance Kent presents so many problems that it can never satisfy those who have studied the case at any length. Although *The Times* leader, from which an extract has been quoted, seems disposed to accept Constance Kent's version of the actual commission of the crime, there are many statements in it which are frankly incredible. Take, for instance, her story of the journey from the nursery to the closet. According to her own account, this involved the following actions. The extraction of the blanket from the child's cot. The removal of the child itself, and the wrapping of it in the blanket. The pause in the drawing-room, during which she put on her goloshes, still holding the child in her arms. The opening of the drawing-room window, and the necessary bending of her body to enable her to pass through it. Finally, the finding of the candle and matches in the closet, the striking of the match and the lighting of the candle. Through all these various movements the child slept soundly, according to Constance Kent. This in itself seems a most remarkable thing.

Now for the actual killing of the child. With one slash of a razor she cut its throat, so violently as almost to sever the head from the body (see the evidence of various

witnesses at the inquest, and the subsequent inquiries). Yet it seemed to the murderess that "the blood would never come." Making all allowances for the state of her feelings, when a second might seem an infinite space of time, this is a very curious statement. Normally the blood would spurt out almost before the cut was completed, and certainly before the murderess could decide to inflict another blow. That, in fact, it did not seems to be confirmed by the statement that only one or two spots of blood stained her night-dress, and that no blood was found on the walls of the closet.

Again, "the piece of flannel which she had with her was torn from an old garment placed in the waste-bag, and which she had taken some time before and sewn it to use in washing herself." For what purpose did she take it with her? Is it not probable that it was for some purpose connected with the crime? If so, a theory suggests itself which accounts for some of the inconsistencies of the case.

She must have entered the nursery with the flannel in her hand. Foreseeing that it would be almost impossible to carry the child to the closet without waking it, might she not have taken the flannel with a view to inserting it in the child's mouth and so gagging it? During the journey to the closet the flannel would then have gradually suffocated the child (Dr. Parsons' evidence as to the blackened appearance of the mouth). If the child were partly suffocated, the delay in the appearance of the blood would be accounted for.

Nor will it escape notice that Constance Kent's explanation of the origin of the flannel presents several difficulties. Surely someone in the house would have recognised the material as forming part of the disused garment placed in the waste-bag. Again, if, "some time previously,"

she had taken it into use as a washing flannel, the housemaid would have seen it on her washing-stand (with which she was familiar, as is proved by her evidence as to a water-bottle being kept there: see p. 231), and would have both recognised the flannel when it was produced and missed it from its usual place subsequently. The point is a small one, but it is typical of the difficulties inherent in the confession.

Finally, the razor. This is the most extraordinary circumstance of all. The medical evidence at the time when the crime was committed was perfectly satisfied that the wound in the chest was inflicted by some rigid pointed instrument. The most extraordinary and far-fetched suggestions were subsequently made as to the nature of this instrument—a correspondent of a London newspaper went so far as to ask in all seriousness whether the blades of the mowing machine had been examined—but to nobody did it occur that a razor might have been used. Otherwise, one would suppose one of the first actions of the police would have been to examine one by one all the razors in Mr. Kent's possession, and of such an action there seems to be no trace.

Again, the wound on the chest was inflicted through such remarkably unyielding substances as the blanket and the child's clothing. Now, I recommend anybody who is prepared to accept the statement that this wound was inflicted with a razor to try the following experiment. Wrap a stale loaf of bread in a blanket and endeavour to inflict such a wound as is described upon it with an ordinary razor. It is difficult enough to make a long cut on the loaf, but to *stab* it, as the child was undoubtedly stabbed, is utterly impossible. The end of the razor is not sharp enough, and the blade cannot be held sufficiently rigidly to allow the necessary force to be exerted.

It cannot be denied that this "confession" of Constance Kent is utterly unsatisfactory. So much so, that had conditions been different, had it been presented as the case for the prosecution at the Wiltshire Assizes, it could not have stood for a moment before Counsel for the defence. For some reason or other Constance Kent preferred not to tell the exact story of the happenings at Road Hill House on the night of June 29th, 1860. Looking at it impartially, her published "confession" bears the stamp of an attempt to answer the various questions raised at the different inquiries which had been held. To some extent this is understandable. We may imagine that as soon as she expressed to Mr. Rodway her desire to make a detailed confession, he would stimulate her memory by asking questions upon the points which had hitherto seemed obscure to him. It is more than probable that these questions would suggest their own reply. Constance Kent, in the frame of mind in which she then was, would probably be quite satisfied to concentrate the guilt upon herself, without troubling about the details of a crime towards which she was still completely apathetic.

So unsatisfactory is this published confession, that it has been suggested that it is entirely false, a mere invention to account for the various incidents involved. Some have even gone further, and have doubted whether Constance was indeed the culprit. Her psychology appears so amazing that almost any speculation based upon it is justified. It is indeed possible that, in the intensively religious atmosphere of St. Mary's Hospital, she conceived the idea of offering herself as a sacrifice, in order to clear away the cloud that rested upon her family and upon others who had lain for so long under suspicion. Such impulses are not unknown. But, while this is possible, it is in the highest degree unlikely.

The researches of Inspector Whicher, although they failed to produce sufficient evidence to achieve Constance Kent's conviction, had at least this result, that they exonerated everyone else concerned. And with the disappearance of Inspector Whicher from the scene, all serious investigation was at an end. Mr. Slack, excellent and methodical person though he may have been, had neither the training nor the opportunity to elicit any fresh facts. The sole result of his efforts was to induce some of the witnesses to vary their statements, with the result that suspicion was thrown upon Elizabeth Gough. It must be perfectly plain to anybody that had the magistrates committed that unlucky nursemaid for trial, she must inevitably have been acquitted, even if any grand jury would have consented to return a true bill against her.

Of the burlesque staged by Mr. Saunders the less said the better. Yet it is a remarkable fact that he stumbled upon one of the most inexplicable incidents of the whole case. Even admitting, as Constance Kent stated in her confession, that the blood-stained shift had no bearing on the crime, what was the true story concerning it? Foley says he showed it to Dr. Stapleton. Dr. Stapleton denies this. Everyone connected with the incident tells a different story, and they agree only in their efforts to keep it as a secret among themselves. Inspector Whicher's theory that in some inconceivable way it was lost seems to be the only rational solution of the mystery. But, if a piece of evidence which, for all the police knew at the time, might have been the clue to the whole history of the murder was thus lost, what else may have been "lost" or have remained undiscovered during those vital days between the discovery of the crime and the arrival of a competent investigator in the person of Inspector Whicher?

Constance Kent, although undoubtedly guilty, failed to prove the case against herself. She disappeared behind the prison bars, leaving the method of the crime, and the various questions that it had raised, still unsolved. Nor is there any record of her having thrown any fresh light upon them, either during her imprisonment or subsequent to her release. She remains a baffling figure, abnormal in youth from the circumstances of her family history and her upbringing, poised on the mysterious borderland between sanity and insanity during her adolescence, relapsing in later years into indifference and mental lethargy. That such a girl should have displayed sufficient resolution and cunning to cover successfully the traces of her crime is in itself extraordinary. Entirely unaided, she planned and carried out a scheme of murder whose difficulties might have given pause to the most experienced criminal, in such a way as to render it impossible for one of the most skilful detectives of the day to gather sufficient evidence for her conviction. The deed itself is surprising enough. The act of confession is even more so. How are we to reconcile her defiant attitude in 1860 with her complete passivity in 1865, when, the avowal once made, she seemed to have lost all further interest in the matter? She confessed without expressing remorse; she made a full explanation, alleging a motive for which inadequate is the mildest possible term, and introducing with this very explanation fresh problems to be added to those already unsolved. There can be no doubt that the obscure character of the avowed criminal helps to make the Road Hill murder one of the most fascinating studies in the history of criminology.

Of Constance Kent's prison life a few glimpses have been preserved. She spent the greater portion of her term at Portland, where a curious memorial of her

remains, in the shape of a series of mosaics in the prison chapel of St. Peters, which are her work and have been greatly admired.

In *Secrets of the Prison House* by Major Arthur Griffiths is the following sketch of her during the time she was completing her sentence at Millbank.

". . . Constance Kent, whom I remember at Millbank, was first employed in the laundry, and afterwards as a nurse in the infirmary. A small mouse-like little creature, with much of the promptitude of the mouse or the lizard, surprised, in disappearing when alarmed. The approach of any strange or unknown face, whom she feared might come to spy her out and stare, constituted a real alarm for Constance Kent. When anyone went the length of asking, 'Which is Constance?' she had already concealed herself somewhere with wonderful rapidity and cleverness. She was a mystery in every way. It was almost impossible to believe that this insignificant, inoffensive little person could have cut her infant brother's throat under circumstances of peculiar atrocity. No doubt there were features in her face which the criminal anthropologist would have seized as suggestive of instinctive criminality—high cheek-bones, a lowering overhanging brow, and deepset small eyes; but yet her manner was prepossessing, and her intelligence was of a high order, while nothing could exceed the devoted attention she gave the sick under her charge as nurse."

She was released in 1885, and from that moment nothing definite is known about her. Local rumour is still busy with her name. The most romantic stories are told of her subsequent marriage and the beginning of a new life of happiness. But the truth is probably that she entered an Anglican sisterhood, and died within a year or two of her release.

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